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THE LOUISIANA HISTORICAL QUARTERLY

Vol. 24, No. 2

APRIL, 1941

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Prepared by The Historical Records Survey Division of
Professional and Service Projects Work Projects Adminis-
tration.

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by Calvin A. Claudel.

The Successors of Laffite, by John Smith Kendall.

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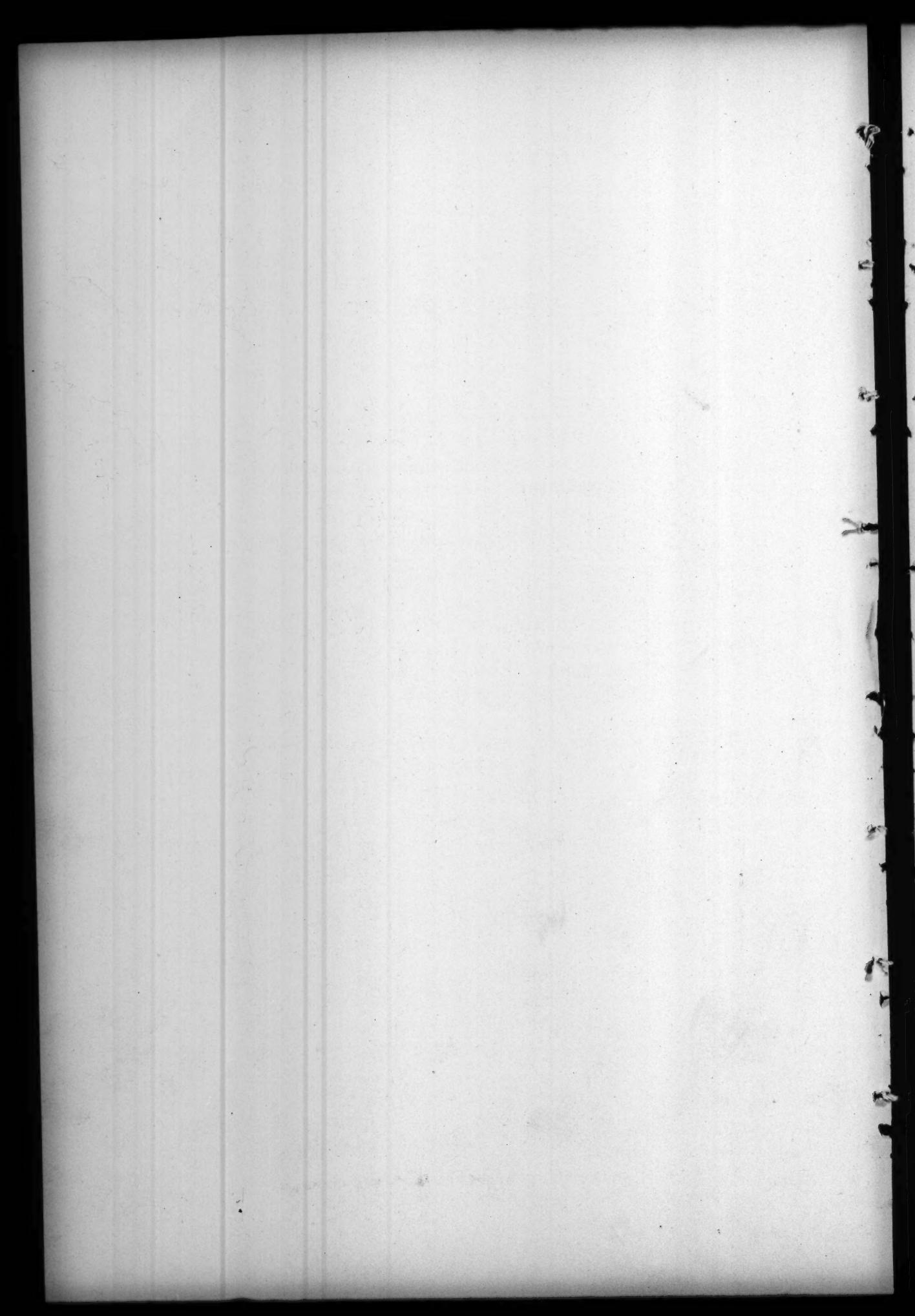
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THE LOUISIANA HISTORICAL QUARTERLY

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✓GUIDE TO DEPOSITORYES OF MANUSCRIPT COLLECTIONS IN LOUISIANA

*Prepared by The Historical Records Survey Division of
Professional and Service Projects
Work Projects Administration*

PREFACE

The preparation of guides to manuscript materials in Louisiana was begun in 1936 while the Historical Records Survey was a unit in the Federal Writers' Project. *The Manual of the Historical Records Survey*, issued in January of that year, established in general terms the policy and scope of the project's activities: "With a view to the provision of better measures for the preservation and accessibility of public records and other historical materials, the Survey will collect and make available information concerning the present holding and care of such records and the accommodations for persons who may wish to consult them." In this same *Manual*, Dr. Luther H. Evans, then National Director, wrote: "The historical records with which this Survey is concerned consist almost entirely of two large groups: government archives and historical manuscripts." The latter he defined as "the business or private papers of an individual, a business or a group."

It was noted early in the program that certain types of manuscript materials, such as church archives, labor union archives, and perhaps, business and association records, would warrant special treatment, especially when these records were not on deposit in some recognized depository. As a consequence, the church archives inventory was organized on a slightly different basis from that of the regular manuscripts inventory.

A series of discussions growing out of a meeting of the Committee on Historical Source Materials of the American His-

torical Association which met in Providence, Rhode Island, in December, 1936, resulted in a more clearly defined plan to place the historical manuscript materials of the nation under control. The objectives and work procedures were outlined in Supplement 6 to the *Manual*, which was issued to the state directors of the Historical Records Survey under date of September 10, 1937. This was amplified by Supplement 8, dated May 6, 1938. These two manuals, and the experience gained from their use, led to the preparation of consolidated instructions on work procedures issued in October, 1940 in the form of a preliminary circular entitled *Preparation of Inventories of Manuscripts*.

Three published controls over manuscript resources of a nonarchival character were outlined. These were: the *Guide to Depositories of Manuscript Collections in the United States*; *The Guide to Manuscript Collections in the United States*; and guides, check lists, and calendars of selected manuscript collections. This volume is one of the first-mentioned series; the recently published *Guide to the Manuscript Collections in Louisiana*, *The Department of Archives, Louisiana State University, Vol. 1*, is a volume of the second series; and *An Inventory of the Manuscript Collections of the Middle American Research Institute, No. 2: Calendar of the Yucatecan Letters*, and the *Transcriptions of Manuscript Collections of Louisiana, No. 1: The Favrot Papers, 1695-1769*, represent two types of publications in the third class.

The object of this *Guide to Depositories of Manuscript Collections* is to list with a brief description those Louisiana institutions in whose libraries manuscripts are housed. It is not intended to cover the holdings in the archives of families, commercial enterprises, or of private collectors, unless such materials are open to researches. The latter class of manuscript holdings, however, will be included in the *Guide to Manuscript Collections in Louisiana* series.

This volume attempts to provide a general or representative picture of the manuscript holdings of each depository rather than an exhaustive survey of each collection. The policy of indicating the scope of interest by references to a few specific collections should be sufficient to make available a better description of the manuscript resources of the State than anything which now exists. Future publications of the *Guide to Manuscript Collections in Louisiana* series—dealing comprehensively with the

collections in each depository—will supplement the present work by giving a more detailed treatment of the materials.

The entries in this volume are arranged alphabetically by city and by institution thereunder. Entries are generally composed of six paragraphs. In the first are the location and name of the depository, name and title of the custodian, and the days and hours during which the manuscripts are accessible to the public. The second sketches briefly the historical beginnings of the depository; the nature and purpose of its holdings; the policy with respect to purchase, sale, exchange, and acceptance of gifts and conditional deposits; and a description of the housing and space adequacy. The third paragraph, entitled HOLDINGS, includes a short description of representative manuscript holdings of the depository. The total amount of material, and the status of arrangement and catalog are covered in the fourth paragraph. The fifth contains a statement on the availability of the materials to researchers and notes the presence of any copy or photostatic service. The last paragraph cites publications in which a more detailed story of the depository and its holdings may be found; it is in no sense a complete bibliography, as it lists only standard bibliographical works and others which are readily available. Variations from this paragraph arrangement, as in the case of the Louisiana State Museum and the Howard-Tilton Memorial Library entries, are caused by the more complex organization of these depositories.

The information on the manuscript depositories described in this *Guide* was obtained by Historical Records Survey workers who called on custodians of manuscripts with the questionnaire WPA Form 21 HR. The custodians confirmed the accuracy of the workers' information by signing the filled-in questionnaire. Sample descriptive entries were prepared from sixteen of these forms by Margaret Sherburne Eliot in the Washington office of the Survey; the remaining descriptions were prepared by Marie Hunter Irvine in New Orleans. Paul Eakin revised the entire draft. Before publication each custodian was invited to approve or revise the entry describing the holdings of his institution.

The assistance and co-operation of the custodians of manuscript collections in Louisiana is gratefully acknowledged.

The Historical Records Survey began operation in Louisiana in March, 1936 as a part of the Writers' Project of WPA Federal

Project No. 1. Separation from that project occurred in March, 1937. The federally-sponsored Survey continued until September, 1939 when the work was transferred and became a unit of the Statewide Records Project sponsored by the Department of Archives of Louisiana State University. Dr. Luther H. Evans served as National Director of the Survey until December, 1939. He was succeeded on March 1, 1940, by Sargent B. Child who had served as a Field Supervisor from the inauguration of the Survey. The project in Louisiana was under the direction of Lyle Saxon until March 10, 1937, when the writer became State Supervisor. During the absence of the State Supervisor from the State on regional business, the project has been under the direct supervision of Vergil L. Bedsole, Assistant State Supervisor.

Suggestions for increasing the usefulness of this publication, additional information on the location of manuscript depositories, and revisions by custodians for inclusion in any future edition or supplement, will be welcomed at any time. Requests for information concerning this *Guide* or other publications prepared by the Historical Records Survey Project in Louisiana may be addressed to Dr. Edwin A. Davis, Archivist, University, Louisiana, or to the writer. A list of these publications will be found at the end of this volume.

JOHN C. L. ANDREASSEN,
State Supervisor,
Statewide Records Project.

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GUIDE TO DEPOSITORYES OF MANUSCRIPT COLLECTIONS IN LOUISIANA

NEW ORLEANS.—BIBLIOTHECA PARSONIANA, 5 Rosa Park.
Director-collector, Edward Alexander Parsons. Hours: by appointment.

The collection, started in 1888, represents the efforts of a lifetime, and an investment of approximately \$1,000,000 in a search that has carried the collector to nearly every country of the civilized world. The material is considered a world-wide collection with specialization in Oriental, classical, and Renaissance scripts, fine examples of the bookbinder's art, incunabula, first editions, rare books, documents, and early manuscripts of the Louisiana Province and State. All have been acquired from individuals or purchased at private and public sales. Pieces are not for sale or exchange; outright gifts only are accepted. The holdings are housed in the collector's residence, a two-story, sixteen-room frame house, built about 1890. The house is not fireproof but fire sprinklers are placed in vulnerable places; space for manuscripts is adequate.

HOLDINGS

Among the manuscripts are Oriental items; Italian and Latin classical, mediaeval, and Renaissance manuscripts; historical documents pertaining to government, law, economics, and military activities in Louisiana, as the report of d'Iberville on conditions of Louisiana, 1699; decrees and edicts of LOUIS XIV and LOUIS XV of France, and ordinances of the King of Spain, concerning Louisiana; proclamations of French, Spanish, and American governors of Louisiana; autographs of the governors; appointments of officers in New Orleans by the Company of the Indies; papers on the Bernardo GALVEZ expedition against the English at Pensacola; census of Louisiana, 1785; Governor O'REILLY'S Code Noir and other documents on the Black Code for governing Negro slaves; reports of the four alcaldes of the City of New Orleans; payrolls of the Guard of Night Watch; register of chimneys in the Vieux Carré; secret report on the Floridas made to NAPOLEON; contracts of marriage and sales of real property and slaves; Aaron BURR conspiracy material; correspondence of Robert R. LIVINGSTON on the progress of negotiations and consummation of the Louisiana purchase; the contemporary copy of the

treaty and convention between France and the United States for the purchase of Louisiana; letters of the Spanish governors of Louisiana, 1769-1803; American letters and historical documents of Governors Louis Billouart de KERLEREC, Alexander O'REILLY, Bernardo GALVEZ, Baron de CARONDELET, Gayoso de LEMOS, Estevan MIRO, William C. C. CLAIBORNE; of Gen. James WILKINSON, Pierre Clement de LAUSSAT, Oliver POLLOCK, Jean LAFFITE, Pierre LAFFITE, Thomas JEFFERSON, James MADISON, Aaron BURR, Harmon BLENNERHASSETT, Robert R. LIVINGSTON, Edward LIVINGSTON, Nicholas GIROD, Gen. Henry DEARBORN, Daniel CLARK, Nicholas BIDDLE, W. L. LEWIS, Thomas Hart BENTON, Sam HOUSTON, and John McDONOGH. The LAFFITE Papers include correspondence between Edward NICHOLS, British commander, and Jean LAFFITE, offering the latter protection, immunity, a captaincy in the British Navy, pay for his ships, and land for himself and his followers. Others are the Andrew JACKSON letters, orders, and military papers; letters of Fr. Antonio de SEDELLA (Père Antone) and Pierre SOULÉ; literary manuscripts of Charles GAYARRÉ; and the BUTLER Papers, including the original Order No. 28 of Gen. Benjamin F. BUTLER. European manuscripts include; a diary of William WARREN, surgeon on H.M.S. *Northumberland*, the vessel which carried NAPOLEON to St. Helena; appointments, documents, letters, official orders, and original portraits relating to Napoleon BONAPARTE; and letters of numerous European notables.

It is estimated that at the present time the entire collection contains approximately 10,000 manuscripts. Ten large rooms in the Parsons home have bookcases extending from floor to ceiling, and four of these rooms have showcases running through the center. The pieces are arranged by subject; thus, separate cases are devoted to art, incunabula, Aldines, Elzivers, early Louisiana-Americana bibliography, Egypt, Greece, Rome, Arabia, etc.; one entire room is devoted to Italian Renaissance material. About one fourth of the manuscripts are catalogued as accessions; nearly one-third by piece on cards.

The depository is open to all students, scholars, writers, and interested persons upon application to the collector. Working conditions for researchers are good. Photostats may be obtained at the prevailing commercial rate; there is no other copy service available.

See.—John S. Kendall, "Historical Collections in New Orleans," *North Carolina Historical Review*, VII, (1930), 463-476, hereinafter cited as Kendall, "Historical Collections in New Orleans"; Douglas Crawford McMurtrie, *Early Printing in New Orleans, 1764-1810*, pp. 15, 16; *New Orleans States*, Dec. 12, 1926; *St. Louis Post-Dispatch*, Sept. 14, 1930.

NEW ORLEANS.—HOTEL DIEU, 2004 Tulane Ave. Librarian, Sister Angela, B.A., R.R.L. Hours: 8 a.m. to 5 p.m. weekdays, except Saturday p.m.

The origin of the hospital is traced to *Maison de Sante*, operated by Dr. Warren Stone at Canal Street and Claiborne Avenue in 1845. In 1852, four Sisters of Charity of St. Vincent de Paul carried on the work; later, in 1858, patients were transferred to the present site. Additions to the original building were made from time to time; the main building, the John Dibert Memorial, was erected in 1924. The purpose of the manuscript collection is to supplement information on the medical activities of the institution. Manuscripts are mostly gifts of the staff, and there is no fixed policy with regard to their sale, purchase, or exchange. The John Dibert Memorial building is a four-story, fireproof, brick structure, measuring 600' x 600' outside; it is used for hospital rooms, laboratories, offices, operating rooms, reception rooms, and wards. Manuscripts are kept in steel filing cabinets in the library on the first floor; space for holdings is adequate.

HOLDINGS

A history of Hotel Dieu by the present librarian; hospital case records; registers of patients; and papers on diseases and cures, 1859—written by members of the hospital staff.

There are 109 pieces in all. Arrangement of case records is chronological by years and alphabetical by patient's name, within file boxes; entries in register books are strictly chronological. There is no catalog.

Manuscripts are available upon application to the librarian. No copy service is available.

See.—Roger Baudier, *The Catholic Church in Louisiana*, p. 396; Federal Writers' Project, *New Orleans City Guide*, p. 338.

NEW ORLEANS.—JACKSON BARRACKS LIBRARY, 16 Jackson Barracks. Adjt. Gen. Raymond H. Fleming. Hours: 8:30 a.m. to 4 p.m. daily.

Jackson Barracks, on an 87-acre tract of land three miles below Canal Street, was purchased by the United States Government for a military post in 1833. Originally called New Orleans Barracks, the name was changed to Jackson Barracks in 1866. Buildings erected in 1834-1835 are still in use. The depository contains the library of the Adjutant General of Louisiana. Records have been added to the depository as compiled, and since 1936, the Adjutant General's office has sponsored a WPA project to "Index, classify, repair, and complete military records of the State of Louisiana." Gifts are accepted, likewise conditional deposits, when they pertain to the Louisiana militia. The depository will exchange duplicates, but has no appropriation for purchases. Headquarters Building, which houses the manuscripts, was erected in 1936. It is a three-story, fireproof building of brick construction, with outside dimensions of 150' x 100'. Most of the manuscripts are kept on steel shelves in the first-floor library; others are in a vault in the basement; space for holdings is adequate. The building serves also as the headquarters and administrative offices of the Jackson Barracks.

HOLDINGS

The bulk of the distinctly nonarchival holdings of the depository are in the form of 391 volumes of transcripts. These materials on Louisiana military history, cover individual service records, regimental units, campaigns, etc., and have been assembled from numerous original sources. The object is to render a complete and coherent history of the military forces of the State of Louisiana. The depository has a number of original manuscripts including: cashbooks, draft rolls, construction and repair data, hospital reports, inspectors' books, and ledgers; special and general orders signed by Gens. P. G. T. BEAUREGARD and James LONGSTREET, Lt. Col. James RICHARDSON, and Adjt. Gen. Allison OWEN; minutebooks, muster rolls, and regimental financial records. Among these materials the earliest recorded date is 1860.

The depository has a total of 391 volumes, and 80 paper folders, 21 bundles, and 335 loose pages of manuscripts which will eventually be put in volume form. Arrangement is chrono-

logical by volume and chronological within each volume; exceptions are rosters and similar volumes where arrangement is by rank and alphabetical thereunder. There is no accessions record; a catalog by subject, individual name, and period is in preparation.

The depository is open to the public during regular hours and no restrictions are placed upon the use of the materials. No copy service is available.

See.—Federal Writers' Project, New Orleans City Guide,
pp. 284-285.

NEW ORLEANS.—LOUISIANA HISTORICAL ASSOCIATION, Confederate Memorial Hall, 929 Camp St. Secretary-treasurer-curator, Peytona L. Howell. Hours: 9 a.m. to 4 p.m. Monday-Friday; 9 a.m. to 3 p.m. Saturday.

The Association was chartered on April 11, 1899, and announced, "The objects and purposes for which this corporation is formed are to collect such books, pamphlets, papers, documents, flags, maps, plans, charts, paintings, engravings, lithographs, and other pictorial representations, manuscripts and other things appertaining to the history of Louisiana, both before and after its cession to the United States, and especially the collection and preservation of all papers, documents, relics, etc., relating to the War between the States from 1861 to 1865." Materials are not sold or exchanged, but gifts and conditional deposits are accepted. No appropriation is made for purchase of manuscripts. Confederate Memorial Hall, which houses the manuscripts, was built in 1889 by Frank T. Howard in memory of his father, Charles Howard. The building is a one-story structure, with outside dimensions of 50' x 110'; it has been completely fireproofed. Space for materials is inadequate, and except for rare pieces, which are exhibited on the main floor, all manuscripts are stored in a basement vault.

HOLDINGS

Deal primarily with Louisiana and Confederate States history in the years following 1860. Types of material include account books, business and family papers, correspondence, portraits, diaries, and scrapbooks. Representative holdings are; documents prior to the Civil War, 1753-1860, 88 pieces including commissions, appointments, and accounts pertaining to the War

of 1812; general orders for recruiting service in Tennessee; Indian treaties; rules and regulations of the War Department relative to recruiting; report of the Battle of New Orleans by an observer; reports of courts-martial; and summons to testify before the Louisiana legislature. Others of the Civil War and postwar period are: the Collection of Jefferson DAVIS Papers, 1845 (1861-65) 1891, 4,270 pieces; Civil War Documents, 1861-65, 3,790 pieces; Post-Civil War Documents, 1,809 pieces mostly concerning Confederate organizations and monuments; and the Confederate Organizations Collection, 1883-1925, 8,000 pieces. Other manuscripts which have not yet been fully arranged and classified include a group of Confederate organizations papers; Washington Artillery business and military records; reminiscences of Confederate veterans; Army of Northern Virginia and Louisiana Historical Association business papers; a group of miscellaneous papers known as Army of Virginia material; 30 scrapbooks; six file boxes of Army of Tennessee papers; four folders containing manuscript maps of battle-fields; and one bundle of war record papers belonging to William Walker HUNTER.

About 50% of the manuscripts have been arranged chronologically by collections and Historical Records Survey workers are currently occupied in completing this arrangement. There is no catalog, but carbon copies of all HR forms prepared by Historical Records Survey workers are on file. Accessions are recorded by number with the title (or assigned title), name and address of donor, and date. There is a card index of portraits of soldiers, compiled by the Historical Records Survey, which includes 300 entries and a biography of each soldier in question.

Applicants must have written permission from the president of the board, Gen. Allison Owen, to use materials. As Memorial Hall was intended primarily for a museum, the facilities for researchers are limited. The custodian will furnish photostats of material at prevailing commercial rates. There is no other copy service.

See.—Robert B. Downs, ed., *Resources of Southern Libraries*, pp. 51-52, hereinafter cited as Downs, *Resources of Southern Libraries*; Walter L. Fleming, "Recent Historical Activities in the Trans-Mississippi Southwest," *Mississippi Valley Historical Review*, II (1916), 529-560, hereinafter cited as Fleming, "Recent

Historical Activities"; William Miller Owen, comp., *First Circular and Catalogue of the Louisiana Historical Association; Library of Congress, Manuscripts in Public and Private Collections in the United States*, p. 25.

NEW ORLEANS.—LOUISIANA HISTORICAL SOCIETY, 709 Chartres St. President, Edward Alexander Parsons; librarian, Carrie Freret. Hours: 9 a.m. to 5 p.m. daily except Monday.

The Louisiana Historical Society was organized January 15, 1836, reorganized in June, 1846, and was incorporated by the General Assembly of Louisiana under Act No. 6, approved January 16, 1860. Following this incorporation the Society was inactive until April 30, 1877, when a new charter was obtained from the legislature and at the same time the headquarters was transferred from Baton Rouge to New Orleans. In 1888, with the resignation of President Charles Gayarré, the Society again became dormant for a period of five years. It has functioned without interruption since 1893. Monthly meetings are held in the old Supreme Courtroom, the Sala Capitular, on the second floor of the Cabildo, permanently dedicated to the Society by the city of New Orleans. The object and function of the Society is "collecting and preserving facts, documents, records, and memorials relating to the natural, aboriginal, and civil history of the State . . . in the event of dissolution all books, maps, records, manuscripts, and collections revert to the State of Louisiana for use of the State Library." The Society has no fund for purchase of manuscripts and makes no sales; exchanges are sometimes negotiated, and conditional deposits are accepted. The materials belonging to the Louisiana Historical Society are housed jointly with those of the Louisiana State Museum and no distinction is made between the two. There are two librarians, one for the Society and one for the Museum; both have desks in the same room and both assist researchers in their work. The State Museum is the custodian of the Society's manuscripts, and the holdings of the latter, with one exception, will be included under the description of the Museum's materials.

HOLDINGS

A collection of transcripts made in France and deposited in the State Museum for the exclusive use of the Society. Twenty bound volumes include: texts of concessions made by the Company of the Indies to induce colonization in Louisiana, 1719-31;

correspondence of the Ministry of Marine, Paris, 1678-1706; inventories, plans, and memoirs in the Depot de Fortificacions des Colonies, Paris, 1704-33; passenger lists of the Company of the Indies; and extracts from original documents in France regarding the transfer of Louisiana to the United States, 1803.

*See.—Catalogue of the Exhibit of the Louisiana Historical Society opened February 20th, 1900, at the Fisk Free Public Library in New Orleans, Louisiana; Albert Laplace Dart, "Ship Lists of Passengers Leaving France for Louisiana, 1718-1724," *Louisiana Historical Quarterly*, XIV (1931), 516; *ibid.*, XV (1932), 68, 453; *ibid.*, XXI (1938), 965; Downs, *Resources of Southern Libraries*, p. 51; Fleming, "Recent Historical Activities"; Franklin F. Holbrook, comp., *Survey of Activities of American Agencies in Relation to Materials for Research in the Social Sciences and the Humanities*, p. 144, hereinafter cited as Holbrook, *Survey of Activities*; Kendall, "Historical Collections in New Orleans"; Grace King, "The Preservation of Louisiana History," *North Carolina Historical Review*, V (1928), 363-371, hereinafter cited as King, "Preservation of Louisiana History"; *Publications of the Louisiana Historical Society*, (1895-1916), 10 vols.; *Louisiana Historical Quarterly*, (1917—), 23 vols.; William O. Scroggs, "The Archives of Louisiana," *Annual Report of the American Historical Association for the Year 1912*, pp. 279-293, hereinafter cited as Scroggs, "Archives of Louisiana."*

NEW ORLEANS.—LOUISIANA STATE MUSEUM, 709 Chartres Street, President of the Board of Curators, Stanley Clisby Arthur. Hours: 9 a.m. to 5 p.m. daily except Monday.

The Louisiana Legislative session of 1906 passed Act 169 which created the State Museum and provided for its permanent location and maintenance. A department of history was organized which with the acquisition of the collections of Gasper Cusachs, T. P. Thompson, the Louisiana Historical Society, Louis Moreau Gottschalk, George Williamson, and others quickly overflowed the allotted space. On June 30, 1908, the city council of New Orleans passed an ordinance placing the historic Cabildo and Presbytere under supervision of the Board of Curators. Three years later the removal of exhibits and manuscripts was completed and visitors were admitted. In 1914, the State of Louisiana allotted to the Board of Curators the old State Arsenal building adjoining the Cabildo, to be used as a depository for relics of the military

engagements in which Louisiana men had participated. Two additional buildings in the same location were added to the Museum in 1921 as a gift from William Ratcliffe Irby. The acquisition of the Lower Pontalba building in 1927, a legacy from Mr. Irby, completed the physical establishment of the Louisiana State Museum. Field of specialization includes manuscripts on all subjects written by Louisianians; manuscripts that contain data of any sort on the history of the State from its earliest settlement to the present time; and genealogies of Louisiana families. Gifts of manuscripts are solicited, and loans are accepted if made for a period of not less than three years. Funds for the purchase of materials are lacking, but exchanges to mutual advantage are sometimes negotiated. Most of the holdings are contained in two steel vaults 14' x 18' x 14' on the first and second floors of the Presbytere; a few are kept in a steel case in the Reference Library; and others are regularly on exhibit.

The present Cabildo was built in 1795 after two previous buildings on the same site had been destroyed by fire. It was originally a two-story, stuccoed brick structure with a flat tile roof; the third floor and mansard roof was added in 1847. Outside measurements are 108' x 96'. The building is protected by an automatic sprinkler system.

The first story of the Presbytere, which houses most of the manuscripts, was built in 1794, though the building was not completed until about 1813; subsequent enlargements were made in 1847. The building is a three-story brick structure with outside dimensions of approximately 108' x 96'. It is 80% fireproof, and also houses the offices of the Louisiana Department of Immigration and Agriculture.

The Arsenal (Museum of War) was constructed in 1839. The building is a three-story structure with outside dimensions of 29' x 107'. It is 80% fireproof and has a sprinkler system.

Jackson House was erected in 1842, and renovated by a WPA project in 1936. The building is a three-story, concrete, brick, and plaster structure. Outside dimensions are 26½' x 39½', and it is fireproof throughout.

The Calabozo or La Maison Creole (Creole House) was also constructed in 1842. The building is of brick, fireproof construction with outside measurements of 22' x 25'.

The Lower Pontalba building was completed in 1850. It is a three-story, brick, wood, and plaster structure; outside dimensions are 385' x 95'. Several sections of the lower floor are occupied by the Reference Library of the Museum and the Louisiana Historical Society; upper floors consist of residential apartments.

HOLDINGS

Materials of the Louisiana State Museum and the Louisiana Historical Society Library fall mainly into the field of Louisiana colonial history and Confederate military history. The Louisiana Purchase, governors of the State, writers, prominent families, military leaders, societies, and judicial proceedings are represented by acts, bills of exchange and lading, bonds, cancelled checks, church papers, court and stock certificates, drafts, invoices, military instructions, minutes, muster rolls, naturalization papers, and oaths of office; also by such original manuscripts as account books, autograph albums, diaries, fruit books, letters, memoirs, poems, passports, permits, receipts, succession papers, and wills. The CUSACHS, MORGAN, THOMPSON, and SEYMOUR collections contain commissions, orders, proclamations, and letters of the French, Spanish, and early American governors; letters of Governor CLAIBORNE and James WILKINSON concerning the Aaron BURR enterprise; and a number of documents relating to the War of 1812. Later manuscripts, 1891, deal with the defeat of the Louisiana lottery. Other large collections are: Mrs. J. L. BRENT, 1861-65, 1,335 pieces; Confederate Military Records, 368,654 pieces; Collection of Photographs, 6,500 pieces; the John SMITH Collection, 1790-1888, 1,129 pieces; Spanish Judicial Records of Louisiana, 1769-1803, 4,395 pieces; and the Superior Council Records of Louisiana, 1717-69, 11,748 pieces.

Altogether there are 162 collections with an approximate total of 406,170 pieces. Eighty per cent of all material is arranged by collections, each collection being filed in a portfolio to which is attached a typewritten sheet itemizing contents and giving the accession number of the collection. All of the manuscripts are catalogued by accession. Separate accessions books exist for the Museum and the Library; the latter's include books, manuscripts, newspapers, and portraits.

Qualified researchers may have access to the materials upon application to the custodian or librarian. Recent restoration of

museum buildings under WPA projects has improved working conditions for researchers, though they are not yet entirely adequate. Photostats of manuscripts will be furnished at \$1.00 per page; there is no other copy service available.

See.—Stanley Clisby Arthur, *Old New Orleans*, pp. 183-190; Downs, *Resources of Southern Libraries*, p. 51; Federal Writers' Project, *New Orleans City Guide*, p. 108; Fleming, "Recent Historical Activities"; Robert Glenk, *Louisiana State Museum New Orleans Handbook of Information*; Holbrook, *Survey of Activities*, p. 144; "Index to the Spanish Judicial Records of Louisiana," *Louisiana Historical Quarterly*, VI (1923—); Kendall, "Historical Collections in New Orleans"; King, "Preservation of Louisiana History"; Library of Congress, *Manuscripts in Public and Private Collections*, pp. 25, 26; Louisiana State Museum, *Biennial Report of the Board of Curators of the Louisiana State Museum*; "Records of the Superior Council of Louisiana," *Louisiana Historical Quarterly*, I (1917—); Scroggs, "Archives of Louisiana."

NEW ORLEANS.—LOUISIANA STATE UNIVERSITY, AGRAMONTE MEMORIAL LIBRARY, 1542 Tulane Ave. Librarian, William Dosite Postell. Hours: 8 a.m. to 9 p.m. Monday-Friday; 8 a.m. to 5 p.m. Saturday; 9 a.m. to 4:30 p.m. in the summer.

As early as 1866 the Board of Supervisors of the Louisiana State Seminary of Learning and Military Academy, the parent institution of Louisiana State University, attempted to organize a medical school. But after a year's trial the venture was abandoned. Three other unsuccessful attempts were made before the Louisiana State University Medical Center was established in 1931 as an adjunct to the State-owned and operated Charity Hospital in New Orleans. A group of buildings was constructed, among them a ten-story, fireproof, stone structure, completed in 1932, which houses the library on the second floor. The Agramonte Memorial Library is a branch of the University Libraries under the direction of James A. McMillen with headquarters in University, Louisiana. Manuscript specialization is in the field of medicine; purchase, sale, and exchanges of material are effected, and gifts are accepted. The library comprises reading and stack rooms, doctors' reading room, and office of the librarian.

Otherwise the building is given over to the various departments of the L. S. U. School of Medicine, by which name it has been known since 1938.

HOLDINGS

Materials relate mainly to medical history with emphasis on yellow fever and plague. Papers of the late Dr. Aristides AGRAMONTE form the bulk of the holdings. These are made up of appointments to honorary societies, cures, labeled photographs showing rat burrows and other plague infection centers, news clippings, notebooks of symptoms, passports of delegates to medical conferences, a plan of chlorine control apparatus, prescriptions, and statistics. Other miscellaneous papers include: orders for payment for care of sick, 1814-21; letters on cholera in the Mississippi Valley, 1849; financial statements of apothecaries, 1856-64; microscopic slides; news clippings on the dedication of the Medical Center; and a paper on the importance of the library in medical education.

Approximate total number of pieces is 226; of these 151 are in five commercial-size folders in the library, and 75 are shelved in the librarian's office. There is no formal method of arrangement, no accessions list, and no catalog.

The library is open to students and researchers upon application to the librarian. No copy service is available.

See.—Louisiana State University, *Announcement of the School of Medicine for the Academic Year 1940-1941*, pp. 30-33; William Dosite Postell, "The Special School of Medicine of the Louisiana State Seminary of Learning," *Surgery, Gynecology and Obstetrics*, LXX (1940), 980-982; Marcus M. Wilkerson, *Thomas Duckett Boyd; The Story of a Southern Educator*, pp. 225-239, hereinafter cited as Wilkerson, *Thomas Duckett Boyd*.

NEW ORLEANS.—LOYOLA UNIVERSITY.

In 1849, the Jesuits established in New Orleans a college of liberal arts and sciences, named the College of the Immaculate Conception. This institution was joined with Loyola College in 1910, the latter of separate origin in 1904. The consolidated unit was named Loyola University, and, in 1912, it was authorized by the General Assembly of Louisiana to grant academic degrees.

NEW ORLEANS.—LOYOLA UNIVERSITY, LOYOLA LAW LIBRARY, 6363 St. Charles Ave. Librarian, Miss S. Mille. Hours: 7:30 a.m. to 11 p.m. Monday-Saturday; 9 a.m. to 11 p.m. Sundays and holidays; 9 a.m. to 5 p.m. in the summer.

The professional schools of Loyola University were founded in 1914. The library was first assembled in Alumni Hall on Baronne Street and later moved to its present quarters on the ground floor of Bobet Hall. The building is a three-story brick structure constructed in 1923; outside dimensions are 250' x 100', and it is completely fireproofed. Space in the building is adequate for manuscripts, and it is used also to house other professional departments of the university.

HOLDINGS

Lectures on legal subjects by former professors and students' notes since 1914 comprise the total holdings of 10 pieces.

Manuscripts are not accessioned or catalogued.

Material is available for the use of students, alumni, and friends through permission of the librarian. Student copy service may be obtained; there are no photostat facilities.

See.—Loyola University Bulletin School of Law, pp. 10-12.

NEW ORLEANS.—LOYOLA UNIVERSITY, LOYOLA UNIVERSITY LIBRARY, 6363 St. Charles Ave. Librarian, Lena Gomez Marcy. Hours: 8 a.m. to 5 p.m. Monday-Friday; 8 a.m. to 1 p.m. Saturday.

The students' library was established in 1904 as a part of the Arts and Science School. It was combined with the Bobet Memorial Library in 1933 to form the Loyola University Library. Most of the manuscript acquisitions have been gifts, though some have been purchased with funds donated for the purpose. The materials may not be sold or exchanged. Holdings are housed in rare-book cases in the library located on the second floor of Marquette Hall. The building, erected in 1911, is a four-story (two-story wings), fireproof, brick structure; outside measurements are approximately 250' x 100', and it serves also for classrooms, offices and cafeteria. Space for manuscripts is inadequate.

HOLDINGS

Court case, 1776, involving Jean Baptiste DESTREHAN and his descendants; newspaper clippings, 1782-1863; maps of New Orleans and environs, 1807-60; correspondence between the Jesuits and president of the United States, judges, council of New Orleans, and others, 1820-1907; vouchers and receipts for army and church, 1845-64; Confederate bonds, money, and postage stamps; slave sale advertisements; foreign and domestic bank notes, 1861; obituaries, photographs, premiums, and programs, 1861; memoirs of military campaigns, 1870-71; and an address delivered on "Creole Day," February 7, 1886.

Total holdings consist of about 100 items of which four are volumes. There is no formal arrangement and no accessions record; the four volumes are catalogued according to the Dewey Decimal System.

Access to manuscripts may be obtained through the permission of the librarian. Space is lacking and facilities for researchers are limited. No copy service is available.

See.—Loyola University Bulletin, 1939-1940, p. 9.

NEW ORLEANS.—NEWMARK LIBRARY, 836 Cambronne St. Owner-custodian, Dr. Gertrude W. Newmark. Hours: by appointment.

The doctrinal split which occurred at the Vatican Council in 1870 resulted in a denominational branch called the Old Catholics who rejected the doctrine of papal infallibility. In New Orleans the church is called the American Old Catholic Church and the late Bishop George Augustus Newmark was its head. Bishop Newmark's library, a collection of papers pertaining to the Old Catholic movement in the United States and Canada, is currently maintained by Dr. Gertrude W. Newmark. Materials are not sold or exchanged, and no gifts are accepted. Manuscripts are housed in the archiepiscopal manse, a one-story frame house built about 1920; outside dimensions are 45' x 60'; space for manuscripts will be adequate when arrangement is completed. The manse serves as the residence of custodian and houses a chapel.

HOLDINGS

Acts of Bishop Newmark's consecration, 1926; the basis of union of the American Catholic Church, 1928; blueprints of pro-

posed American Old Catholic Church, and of a proposed orphanage and chapel; brochures on the Old Catholic movement, and on the constitution and canons of the Church, 1928; correspondence of Bishop NEWMARK concerning church procedure and interpretation, 1925-37; declarations of faith; liturgy of the Holy Eucharist according to the Apostolic Orthodox Church; notes for sermons, 1926-30; photographs of ministers, rectory, and school for the American Old Catholic Church, 1933; reports of various priests concerning church records, 1928-30; tables of succession of the Old Roman Catholic Church; and translations from the *Missale Romanum* and the *Pontifical Romanum*. A 2,500-word historical sketch of the American Old Catholic Church for the Bureau of Religious Knowledge is in the course of preparation.

Approximate total number of manuscripts is 737 pieces in 39 manila folders, and one bundle of loose material. Arrangement, alphabetical by name of church or bishop and chronological within folders, is about 80% completed. Folders are kept in a glass bookcase at the rear of the chapel, and also in the custodian's study.

Access to materials is limited to clergymen and acceptable researchers; no manuscripts may be removed from the library. There is no copy service available.

See.—U. S. Bureau of the Census, *Old Catholic Churches in America; Statistics, History, Doctrine and Organization*, pp. 7-8.

NEW ORLEANS.—NEW ORLEANS PUBLIC LIBRARY, 1030 St. Charles Ave. Librarian, John Hall Jacobs. Hours: 9 a.m. to 9 p.m. weekdays; 9 a.m. to 1 p.m. Sunday.

The New Orleans Public Library was established in 1896 through the combination of the Fisk Free Library and the Lyceum Library, these two having been in existence since 1843 and 1844 respectively. The new Public Library had temporary location in St. Patrick's Hall and at 1115 Prytania Street until an Andrew Carnegie donation completed the present building in 1908. The present manuscript holdings were discovered during the process of cataloguing library volumes. The custodian is interested in building up a collection of Louisiana material and some funds are available for that purpose. Gifts and conditional deposits are accepted, but holdings are too few at present to permit

exchanges. The library building is a stone and brick, fireproof structure with outside measurements of 348' x 173'; space is adequate for enlargement of holdings.

HOLDINGS

Four letters: Lady BLESSINGTON to addressee (illegible), n.d., acknowledging receipt of character sketches; Martin DUPLESSIS to Baron de CARONDELET, 1794, regarding a position; Robert SMITH to the Secretary of the Navy, 1808, assurance of nonmeddling in the Aaron BURR conspiracy; Jared SPARKS to Joseph Hill CLARK, 1829, concerning the organization of a literary club in Boston; and a "Superior Diploma of Parisian Wrestling and Fencing," issued to Sieur Louis REGOTTEZ by M. GOUBERG, March 26, 1870.

The manuscripts are mounted in cellophane folders and housed in the library vault. Each is catalogued by a designated subject heading.

Anyone may inspect the letters with the permission of librarian. Copying is not permitted. Photostats may be made, but this service does not operate in the library.

See.—Alcée Fortier, ed., *Louisiana*, II, 66, hereinafter cited as Fortier, *Louisiana*; New Orleans Library Club, *Libraries in the City of New Orleans*, pp. 2-3; New Orleans Public Library, *Annual Report*.

NEW ORLEANS.—ST. MARY'S DOMINICAN COLLEGE LIBRARY, 7214 St. Charles Ave. Librarian, Sister Mary Reginald, O.P. Hours: 9 a.m. to 8 p.m. daily during winter sessions; 8 a.m. to 4 p.m. daily during summer sessions.

The Dominican Sisters of Cabra, Dublin, Ireland, came to New Orleans in 1860 to teach in St. John's Parochial School for Girls. After a short residence they enlarged their sphere of activity to include a select school chartered as an "Academy" in 1862. The initial location at 1107 Dryades Street, was outgrown in four years. In 1865, the academy section was moved to a site in the village of Greenville, later incorporated in the City of New Orleans, which is the present site of St. Mary's Dominican College. A series of building expansions followed between 1872 and 1938 which included a Normal School established in 1908. The

college was empowered to grant degrees in arts and letters by the General Assembly in 1910. In the same year the library, first established in 1885 as a circulating library, was designated as the College Library, supported by student fees and the Mother De Ricci Memorial Fund. Gifts are accepted. It is located on the second floor of the three-story Administration Building, constructed in 1882; outside dimensions are 60' x 100'; the building is not fireproof. Space is adequate.

HOLDINGS

Annals of the Order of Dominican Sisters from its founding, 1644, to the present; correspondence on their religious and civil life in Louisiana, 1860—; poems, historical essays, and translations of French dramatists by members of the Order (which are ready for publication).

Materials are in a filing cabinet on the first-floor office of the Administration Building. There are 152 pieces arranged chronologically in manila folders. There is no accessions record and no catalogue.

Accredited researchers may have access to manuscripts upon permission of the librarian. No copy service is available, but photostats may be obtained at cost.

See. St. Mary's Dominican College, 1940-1941, pp. 5-7.

NEW ORLEANS.—TOURO INFIRMARY, 3516 Prytania St. Superintendent, Dr. A. J. Hockett. Hours: open all hours daily.

The Touro Infirmary Society, first incorporated in 1854, resulted from an endowment by Judah Touro. Later, in 1881, the Infirmary Society and the Gentleman's Hebrew Benevolent Association were consolidated and established at the present site. Subsequent donations have expanded both the physical plant and medical activities of the institution. Manuscript specialization is in the field of medicine. The building which houses manuscripts was erected in 1907. It is a three-story, brick, fireproof structure, and most of the space is devoted to a variety of hospital functions. Outside dimensions are approximately 300' x 550'. The manuscripts are kept in a cabinet in the superintendent's office on the first floor and space is adequate for the holdings.

HOLDINGS

Minutes of meetings, 1854-68, 1 vol.; constitution and by-laws, 1869, 1 vol.; letter from Dr. Otto JOACHUM regarding quarantine in New Orleans, 1896; and a history of Touro Infirmary compiled by officials of the hospital.

Manuscripts total four pieces exclusive of the regulation hospital records. There is no formal system of arrangement.

Access to the materials may be obtained through the permission of the superintendent. There is no copy service available.

See.—Henry Rightor, ed., *Standard History of New Orleans, Louisiana*, p. 448, hereinafter cited as Rightor, *Standard History*; New Orleans *Times-Picayune*, Centennial Issue, Jan. 25, 1937.

NEW ORLEANS.—TULANE UNIVERSITY OF LOUISIANA.

Three separate units or departments of Tulane University contain manuscript holdings. These are the Middle American Research Institute, the Rudolph Matas Medical Library, and the Howard-Tilton Memorial Library. The last, currently in the process of organization, is a consolidation of two separate institutions, the Howard Memorial Library and the Tilton Memorial Library. Though housed together and placed under single direction, the two libraries will remain technically distinct depositories, and for that reason are treated separately below under the heading Howard-Tilton Memorial Library.

NEW ORLEANS.—TULANE UNIVERSITY OF LOUISIANA, HOWARD-TILTON MEMORIAL LIBRARY, Tulane University Campus. Librarian, Robert J. Usher. Hours: 7:45 a.m. to 10 p.m. Monday-Friday; 7:45 a.m. to 6:00 p.m. Saturday; shorter hours will be arranged when the University is not in session.

The Howard Memorial Library was founded in 1888 as a memorial to Charles Turner Howard. The original purpose included plans for collecting fiction and the lighter periodicals, but this design was abandoned in 1892 and the collection of materials since has emphasized authors and subjects on the history of Louisiana. Manuscripts on any subject except law or medicine are accepted. Gifts are preferred to loans, and purchases in the field of specialization are sometimes made. The depository is interested in the sale or exchange of duplicate items only.

The Tilton Memorial Library began the collection of manuscripts in 1933 when the McDonogh Collection was purchased with funds appropriated for the purpose. Additional purchases and gifts of other collections have followed. The material covers chiefly the growth of New Orleans during the first half of the 19th century. Purchases in this field are expected to continue, and no distinction is made between citizens of Louisiana and those of other states in purchasing. Gifts without restrictions are accepted; there is no sale or exchange of items. The combined depositories will continue to urge the deposit of local manuscripts in local institutions.

The joint collections, with the exception of the Favrot Papers recently placed in The McAlister Auditorium of Tulane University, are housed in the rare-book room on the second floor of the new library building, a three-story, air-conditioned structure completed in the fall of 1940. It is fireproof throughout and ample space is provided for future expansion.

HOLDINGS

The bulk of the material of the Howard unit is in the form of individual manuscripts rather than organized collections. Among these, illustrative of Louisiana history, are: business papers, maps, church records, certificates, early town records, genealogies, notes on legal cases, passports, picture albums, records of patriotic societies, and similar papers. Included also are the genealogical records of the Daughters of the American Revolution of Louisiana, compiled 1930-33, by members of the organization, and indexed by the WPA project in the library. Important among the collections are the Pierre Gustave Toutant BEAUREGARD Manuscripts, 1839 (1870-88) 1888, letters, notes, and orders, 211 pieces in 3 vols.; William BEER Collection, 1562-1937, bibliographies, biographies, catalogs, clippings, correspondence, certificates and requests for them, diaries, engravings, estate papers, extracts, maps, photostats, poems, receipts, and reports, 10,000 pieces; Despatches of the Spanish governors, 1766 (1784-91) 1791, a series of 25 volumes of photostats from originals in the archives of Seville, mostly from the Governor of Louisiana to the Captain General of Cuba, a 26th volume is a calendar of content (calendar and photostats were made by the Carnegie Institution; a complete set of translations has been made by a WPA project in the library); Theodore J. DIMITRY Manuscripts, 1638 (1687-1859)-

1898, chiefly family papers, 3 vols.; John DUNLAP Manuscripts, 1827-69, mainly correspondence between family and friends, 175 pieces; Fire Company Records, 1848-1921, ledgers of different fire companies deposited through the Historical Records Survey, 38 vols.; Prosper FOY Papers, 1790-1878, affidavits, bills, certificates, communications, contracts, inventories, legal documents, orders, real estate sales, and successions, 121 pieces; the Grace King Papers, 1917-20, coat-of-arms, extracts, letters, miscellaneous notes, newspaper clippings, photographs, and poems, 58 pieces; the LAKANAL Manuscripts, 1793-94, letters from France to Joseph LAKANAL in Louisiana, 30 pieces; the Collection of Maps, 1608-1938, of Louisiana, New Orleans, the parishes, and a few other states, 749 pieces; the John McDONOGH Manuscripts, 1802-50, invoices, letters, promissory notes, and receipts, 950 pieces; the Francois Dominique ROUQUETTE Manuscripts, 1839-50, notes on the Choctaw and Chickasas Indians, 5 pieces; Collection of Theses, 1905-35, mainly on Louisiana subjects, 31 pieces; and Wars Material, 1908-33, principally the activities of military societies, 16 vols.

There are 100 volumes, 15 bound theses, 12 maps folders, 5 map bundles, 60 mounted map separates, 30 plate files, six boxes (13 x 10 x 4), three drawers (8 x 18 x 9½), two drawers (20 x 18 x 9½), one album of Louisiana plantation views, 26 volumes of photostats, and 50 volumes of records. Manuscripts have been recently arranged, in most cases chronologically in each collection. Accessions are completely catalogued and about 2,000 separate pieces have been catalogued. Other types of guides include a complete shelf list and the dictionary catalog which is made on Library of Congress cards. There is an average of five cards for each piece catalogued by author, title, and subjects.

The Tilton unit, which also includes those manuscripts formerly held by the Newcomb College Library, contains a variety of documents constituting a record of the development of New Orleans during the first 50 years of the nineteenth century. Miscellaneous materials include: certificates, inventories, land maps, conveyances, letters, receipts, slave bills, successions, and records of vital statistics. There are also council records, tax receipts, licenses, and records of business transactions involving municipalities which were later incorporated in the city of New Orleans. Collections named for subject material are: Old New Orleans

Manuscripts, 1737-1889; Plantation Documents, 1798-1885; the John McDONOGH Collection, 1800-1850; the MARIGNY Collection, 1802(1820-50)1850; the City of Lafayette Collection, 1833-48; the City of Carrollton Collection, 1840-70; the City of Jefferson Collection, 1860-65; and the Subsistence Committee Collection, 1862. The Favrot Papers, 1695(1750-1825)1937, consist of nearly 2,000 pieces in four separate collections, the Ada Favrot GATES Collection, 153 pieces, the Henry Mortimer FAVROT Collection, 65 pieces, the Henry Richmond FAVROT Collection, 1,633 pieces, and the St. Clair FAVROT Collection, 112 pieces. Other manuscripts are an original letter of George WASHINGTON, some Paul TULANE letters, a French illuminated devotional book of the fifteenth century, and three Indic manuscripts, two in the Singhalese language and one in the Pali language. Materials acquired through the merger of the Newcomb College Library holdings into the Howard-Tilton Memorial Library include pieces illustrating the development of bookmaking with facsimiles from old French, Greek, and Arabic manuscripts, B.C.—14th c. A.D.; old missal, 15th c.; and copper engravings of miracles of San Francesco di PAOLA, n. d. Others, relative to religious and classical music, include: prayers and hymns; messages of congratulation to Pope Pius IX; compositions of Madame la Duchesse de LIGNEVILLE, 1760-1819; reproductions of BACH, BEETHOVEN, BRAHMS, and other great names in music; and autographs of SAINT-SAENS and GOUNOD on contracts.

The depository has a total of approximately 4,000 pieces. Half of these are arranged chronologically within each collection; the McDonogh, the largest collection of 2,000 pieces, is divided into letters and business papers and arranged chronologically thereunder. A typewritten list of 105 descriptive entries provides an additional guide to the McDonogh Collection and a calendar for it is in preparation by the library.

The materials are accessible to qualified students through permission of the librarian. Photostat and copy service are available, and the library has micro-photographic equipment.

See.—Downs, *Resources of Southern Libraries*, pp. 51, 52; Paul Gottschalk, *A Collection of Original Manuscripts of the World's Greatest Composers*; Historical Records Survey, *Transcriptions of Manuscript Collections in Louisiana*, No. 1. *The Favrot Papers, 1695-1769*; Holbrook, *Survey of Activities*, pp. 143-

144; Kendall, "Historical Collections in New Orleans"; Library of Congress, *Manuscripts in Public and Private Collections*, p. 25; *New Orleans Item*, June 10, 1940.

NEW ORLEANS.—TULANE UNIVERSITY OF LOUISIANA, MIDDLE AMERICAN RESEARCH INSTITUTE. Director, Frans Blom; librarian, Arthur E. Gropp. Hours: 9 a.m. to 5 p.m. and 7:30 p.m. to 9:30 p.m. Monday-Friday; 9 a.m. to 5 p.m. Saturday.

The Department of Middle American Research of Tulane University originated in 1924 with the acquisition of a collection of Central American materials belonging to Mr. William Gates of Charlottesville, Virginia. Mr. Gates, who acquired his collection of unique manuscripts in the written languages of Middle America while director general of archaeology for the government of Guatemala and director of the Museo Guatemalteco, became the head of the Department. The name was changed to the Middle American Research Institute in 1938. The objective is to make New Orleans the center of Latin American and world interests in the ancient languages and customs as well as in modern institutions to the south, and through this center acquaint Americans with the history of their predecessors in the Western Hemisphere. Research and publication supplemented by explorations, excavations, and restorations in Middle America are planned and executed, with emphasis on Maya culture. The depository accepts gift collections, conditional deposits, and loans; and it is prepared to purchase desirable collections or individual pieces if these are not otherwise obtainable by gift or loan. As a general rule the Institute does not buy material outside the field indicated, and, through sale or exchange, disposes of duplicate items only. The holdings are housed on the fourth floor of Dinwiddie Hall, built in 1923 with an addition in 1927. The four-story building of limestone, brick, and concrete construction, is fireproof throughout; outside dimensions are 175' x 84'. Space in the building is used also for lecture rooms and science laboratories. Most of the manuscripts are stored in the rare-book room just off the library; present space is inadequate.

HOLDINGS

Consist of manuscripts relating to Mexico, the republics of Central America, and the West Indies; emphasis is chiefly upon that portion of Middle America concerned with the history,

language, and archaeology of the Mayas. Supplementary materials deal with Panama, Venezuela, Peru, the Guianas, the Amazon Valley, and the southwestern section of the United States. Among the collections are: Administrative Papers, 1493-1865, 55 vols. containing copies of numerous documents relating to New Spain; C. I. FAYSSOUX Collection of William WALKER Papers, 1834(1857-60)1933, 551 pieces; the William GATES Collection, 1520-1919, 2,866 pieces; Frederick L. HOFFMAN Maps and Papers, 1841(1921-26)1926, 1,000 pieces; Nicolas LEON Collection, 1535-1922, 800 pieces; Miscellaneous Collection, 1348-1938, 400 pieces; Flavio Antonio PANIAGUA Collection of Chiapas Material, 1520(1800-1897)1920, 550 pieces; George H. PEPPER Collection, 1718(1890-1918)1922, transcripts, letters, lantern slides, and printed material pertaining to the Indians of southwestern United States, 300 pieces; Rudolph SCHULLER Collection, 1513(1920-30)1934, diaries, maps, photographs, and treatises on Middle American languages, 3,000 pieces; and the Viceregal and Ecclesiastical Mexican Documents, 1588(1700-1800)1821, 4,000 pieces.

There are 108 linear feet and more than 142 cubic feet of material for which arrangement varies, depending upon how much the individual collection has been worked. In general the material in each collection remains as a unit until some or all of it has been catalogued. There are 1,580 descriptive entries in the Gates Catalogue. All catalogued material has three types of card entries: an accessions list, an inventory list, and the dictionary catalogue. The last shows author, subject, and title, and appears in the regular book catalogue. The same number of pieces appears also in the accessions record, since manuscripts, like books, are assigned accession numbers upon being catalogued. A separate manuscripts catalogue with entries classified chronologically, numerically, and alphabetically as to name, place, and subject, is anticipated by the custodian.

Access is limited to serious students engaged in purposeful study who meet the qualifications specified by the director. The only collection whose use is restricted is the Fayssoux Collection, in which case the researcher must consult the Fayssoux family. Light in the library is only fair, and there is lack of sufficient space either for working or storing materials. Typing service is obtainable and the Institute will make arrangements for procuring photostats at current rates.

See.—Downs, Resources of Southern Libraries, p. 51; Arthur E. Gropp, ed., "Manuscripts in the Department of Middle American Research." Middle American Pamphlets, No. 5 of Publication No. 5 in the Middle American Research Series; Historical Records Survey, An Inventory of the Manuscript Collections of the Department of Middle American Research No. 1. C. I. Fayssoux Collection of William Walker Papers; Historical Records Survey, An Inventory of the Manuscript Collections of the Middle American Research Institute No. 2. Calendar of the Yucatecan Letters; Historical Records Survey, An Inventory of the Collections of the Middle American Research Institute No. 3. Maps in the Frederick L. Hoffman Collection; Holbrook, Survey of Activities, p. 145.

NEW ORLEANS.—TULANE UNIVERSITY OF LOUISIANA, RUDOLPH MATAS MEDICAL LIBRARY, Josephine Hutchinson Memorial Building, 1430 Tulane Ave. Librarian, Mary Louise Marshall. Hours: 8:30 a.m. to 11 p.m. Monday-Friday; 8:30 a.m. to 4 p.m. Saturday.

The Tulane University School of Medicine adjoins the State-owned and operated Charity Hospital. Students, faculty, and staff members co-operate in the work of the two institutions. The Rudolph Matas Library and the library of the Orleans Parish Medical Society are housed jointly in the Josephine Hutchinson Memorial Building, a gift of the Rockefeller Foundation, completed in 1930. Collection specialization is in the field of medicine and surgery. Resources for purchases are limited, but sale and exchanges of duplicates may be negotiated. The nine-story, brick and steel building is fireproof throughout; outside dimensions are 235' x 85'; and space for manuscripts is adequate.

HOLDINGS

The materials are not grouped in collections but are treated as individual pieces. A wide variety of subjects—cardiology, chemistry, dentistry, gynecology, neurology, obstetrics, pediatrics, surgery, therapeutics, toxicology, malaria, pyemia, and smallpox—are contained in such records as bills and receipts, case records, clippings, graduate theses, hospital registers, journals, letters, lectures and lecture notes, manuscripts of unpublished books, notebooks, photostat copies of early treatises, and reports of medical meetings and conferences. Representative items include: records of forty meetings of the Louisville Medical Club with minutes,

March 21, 1855-July 6, 1858, constitution and by-laws, treasurer's reports, resolutions, and roll of membership; notebook of Dr. William JENKINS, physician and surgeon for the British Government at Bermuda, 1826; register of the Medical Committee in New Orleans, 1816-54; course in *Materia Medica* dictated by M. PERILHE of the Royal Academy of Surgery, Paris, 1669; report of Joseph JONES prepared for the use of the medical department of the Confederate States treating diseases among Confederate troops in South Carolina, Georgia, and Florida, and health conditions of Federal prisoners at Andersonville, Georgia, 1865; journal of Thomas H. WADE, medical student, 1850-1852; ward register of the Charity Hospital, New Orleans, for the month of October, 1817; and a letter to the mayor of New Orleans reporting smallpox and the difficulties of vaccination in the city, October 14, 1825. The earliest date recorded is 1487, a photostat copy of the second edition of the first book on pediatrics ever published. Most of the dated material, except theses which are recent, falls chronologically between 1816 and 1873.

Total holdings include 19 leather-bound volumes; six photostat copies of early works on medical subjects; 17 volumes of theses; two notebooks; one unpublished manuscript of 800 pages; 250 medical bookplates; 1,500 mounted portraits; and two commercial-size folders of loose pieces. Materials are shelved and all except a quantity of unsorted pieces in storage have been kept in their original bound form.

The depository is for the use of students and doctors. It is not open to the public except upon the recommendation of a physician.

See: Charles C. Bass, "On the Occasion of the Naming of the Rudolph Matas Medical Library," *New Orleans Medical and Surgical Journal*, XC (1938), 532-539; Mary Louise Marshall, "Thomas Wade, Medical Student, 1851-52," *Annals of Medical History*, I (1939), 343-350.

NEW ORLEANS.—URSULINE COLLEGE MUSEUM, 2636 State St. President, Mother Loretto Boland, O.S.U.; librarian, Mother St. Paul. Hours: 9 a.m. to 5 p.m. daily.

Ursuline College, the oldest institution of learning for women in the present territory of the United States, was founded in New Orleans in 1727 by the Order of Ursuline nuns. Several changes

in location were necessitated by the growth of the city. The present establishment was built and accepted in 1912. A bi-centennial celebration in 1927 was the occasion for instituting a full four-year college course. The depository has preserved materials which, in reflecting the history of the Ursulines, parallel in some degree that of similar institutions in south Louisiana. Gifts and conditional deposits are accepted, and the museum has received support through legacies. There is no fixed policy with respect to purchase, sale, and exchange of manuscripts. Materials are housed in display cases on the third-floor room and in a vault in the office of the Administration Building. It is a three-story, stone, fireproof structure with outside dimensions of 200' x 50'; manuscript space is adequate, and the building is used also for offices, classrooms, reception rooms, and chapel.

HOLDINGS

Materials deal chiefly with the Ursuline nuns and their part in the educational history of Louisiana. Included are: the original charter, 1726; a treaty between the Company of the Indies and the Ursulines, 1776; accounts of founding, struggles, and progress of the institution written by the nuns, 1726-1939; annals of the Convent, 1727-1815; register books of the Order, 1727-1903; letters from Pope Pius VII and Presidents JEFFERSON and MADISON; and blueprints, plans, and photographs of Ursuline properties.

Total number of items is 4 volumes and 17 pieces. Material in volumes is arranged chronologically within each; pieces are on display and follow no formal arrangement. The work of accessioning and cataloguing materials has been recently begun.

Access to the manuscripts is obtained through permission of the custodian. Photostats may be made at the commercial rates provided the custodian considers the work justifiable.

See.—Heloise Hulse Cruzat, "The Ursulines in Louisiana," *Louisiana Historical Quarterly*, II (1919), 5-23; Edwin Whitfield Fay, *History of Education in Louisiana*, pp. 123-130; Rightor, *Standard History*, pp. 226-229; Henry Churchill Semple, ed., *The Ursulines in New Orleans and Our Lady of Prompt Succor*.

NEW ORLEANS.—XAVIER UNIVERSITY.

Xavier University, a Catholic institution, was founded as a high school for Negro youth in 1915. It first occupied the build-

ings vacated by Southern University, the State-supported school for Negroes, on the latter's removal to Scotlandville, Louisiana. Authorization to confer degrees in higher education was granted by the General Assembly in 1918. A greatly expanded curriculum necessitated purchase of the present site in 1929, and the University was established in an entirely new plant four years later.

NEW ORLEANS.—XAVIER UNIVERSITY, XAVIER UNIVERSITY ARCHIVES, 3912 Pine St. Dean of the University, Sister Mary Madeline Sophie. Hours: 8 a.m. to 9 p.m. Monday-Friday; 8 a.m. to 4 p.m. Saturday.

The Xavier University Archives (title assigned) is an informal collection of material assembled by the Dean of the University. Without any designated purpose it represents a miscellaneous group of manuscripts accumulated over a period of years. Items are purchased occasionally, gifts and conditional deposits are accepted; and exchanges may be negotiated. Part of the collection is housed in the Dean's office on the second floor of the College Building, a three-story, limestone structure utilized for administrative and academic functions. The remainder is stored in the library (described in the following entry) pending arrangement and location in adequate quarters.

HOLDINGS

Materials relate chiefly to persons and historical events of New Orleans and its vicinity. These include: photostats of registers of baptism, marriage, and burial of free persons of color, 1733-1808; bonds, 1817; parish prison records, 1819; daybooks, 1829 and 1872, containing receipts, maxims, songs, dues for schooling, merchandising, etc.; scrapbooks and clippings, 1841-1934; prints of Canal Street and the General Hospital; currency of the Bank of Commerce, Philadelphia, 1862; photographs of William Preston JOHNSTON, Robert E. LEE, and Gen. Kirby SMITH; correspondence between Charles GAYARRE, Prof. Morris MORGAN and Charles Grant WILSON, 1888; and photostats of "Stabat Mater" music by Vittorio GIANNINI. The bulk of the collection is made up of approximately 5,500 copies of manifests giving the name of ships, owners, masters, slaves, and tonnage.

The total estimated number of pieces is 7,000. None of the material is arranged, and none catalogued.

Access to the manuscripts is through the permission of the Dean of Xavier University. No copy service is available.

NEW ORLEANS.—XAVIER UNIVERSITY, XAVIER UNIVERSITY LIBRARY, 3912 Pine St. Librarian, Sister Mary Redempta. Hours: 8 a.m. to 8 p.m. Monday-Friday; 8 a.m. to 4 p.m. Saturday.

The library was established in 1916 for general educational purposes. Manuscript acquisitions are made by exchange or purchase when they contribute to this purpose or pertain to Negro social, economic, and political problems. No sales have been made, and no conditional deposits accepted. The library building is a three-story, brick, fireproof structure, constructed in 1937; outside dimensions are 200' x 150'; and space for manuscripts is adequate. In addition to the library it houses a museum, art studio, exhibit rooms, and the Social Service School.

HOLDINGS

Clippings, letters, photographs, theses, and a diary of Albert G. BRICE, 1858, comprise the manuscripts which deal chiefly with the culture and accomplishments of the American Negro, Catholic leadership, and educational efforts.

Total holdings consist of 12 boxes, 30cm. x 30cm. x 10cm., of reproductions of museum pieces; two vertical files of four drawers each containing manuscript materials; and 130 theses. Material in boxes is filed by museum, city, and by artist; that in the vertical files is arranged alphabetically by subject with subheadings also by subjects. The diary and theses are bound and shelved. None of the manuscripts are catalogued.

Access to the materials is obtained through permission of the librarian. Photostat and other copy service is available.

See.—Xavier University Bulletin.

SHREVEPORT.—CENTENARY COLLEGE OF LOUISIANA LIBRARY, 1129 Centenary Blvd. Librarian, Mrs. J. F. Tindol. Hours: 7:45 a.m. to 5 p.m. and 7 p.m. to 9 p.m. Monday-Thursday; 7:45 a.m. to 5 p.m. and 7 p.m. to 9 p.m. Friday; 7:45 a.m. to 12:15 p.m. Saturday.

Centenary College of Louisiana was founded in 1845 by the merger of two older schools, the College of Louisiana at Jackson, Louisiana, and Centenary College at Clinton, Mississippi. The school was maintained in Jackson until 1908 when the buildings were abandoned and the school was moved to Shreveport. Assembling of manuscript material began in the academic year 1938-39 through the efforts of Prof. Darrell Overdyke for the purpose of recording and making available the materials for a history of Centenary College. No manuscripts have been bought and no funds are available for purchase in the future; holdings are either gifts or loans acquired on condition; and there is no stated policy with regard to purchase, sale, or exchange. The library is housed in a two-story, fireproof, brick building, constructed in 1927. Outside measurements are approximately 100' x 70', and the building is used also for classrooms and administrative offices. Space provided for manuscripts is inadequate but plans are being made for future expansion.

HOLDINGS

Pertain to the history of Centenary College and consist of commencement and recital programs; deeds; letters; minutes of trustees' meetings, 1825-46; private papers of presidents, faculty members, and outstanding students, 1825 (1840-60) 1939; minutes of faculty meetings, 1828-38, 1850-52, 1900-1905, 1911; official papers relating chiefly to the construction of Center Building, Old Centenary College campus, Jackson, Louisiana, 1845; matriculation books, 1852-1929; and minutes of the Union Literary Society meetings, 1893 (1908-09) 1914.

There are 15 volumes stored in a vault; approximately 5,000 pieces in folders are contained in a steel filing cabinet in the library anteroom; and an unknown amount of material, inaccessible at present, is stored in Jackson Hall on the campus. Sixty per cent of the accessible material is arranged by a variety of principles; volumes are chronological by subject; folders are arranged chronologically in files and by type thereunder; correspondence is arranged by author and chronologically thereunder. Cataloguing of manuscripts is being postponed until the collection is complete.

The depository is open to those who wish to use it and there are no special restrictions on the use of manuscripts except

that they may not be removed from the library. Typed copy service is available.

See.—Bulletin of Centenary College of Louisiana, May 1, 1939, pp. 15-19; Fortier, Louisiana, I, 188-190; Arthur M. Shaw, Jr., Centenary College Goes to War in 1861; New Orleans Times-Picayune, Centennial Issue, Jan. 25, 1937.

SHREVEPORT.—SHREVE MEMORIAL LIBRARY, 300 Edwards St. Librarian, Miss Bess Vaughan. Hours: 9 a.m. to 9 p.m. weekdays; 2 p.m. to 6 p.m. Sunday.

The collection of manuscripts began about 1930 with gifts from interested persons. The object of the depository is to preserve for public reference historical documents relating to Louisiana. There is no stated policy with regard to purchase, sale, or exchange of manuscripts. Gifts are accepted, but not conditional deposits. The three-story library building was constructed in 1922, of stone, brick, concrete, and other fireproof materials. Outside measurements are 100' x 100', and housing space for manuscripts is adequate.

HOLDINGS

Clippings and photographs of the great raft or log jam in the Red River and its removal, 1833-39; copies of diaries of Louisianians, Mrs. Isaac H. HILLIARD, 1849-50, and Doctor R. F. MC GUIRE, 1818-52; photostats of American historical documents, 1493-1866, from original documents in Library of Congress and Lenox Library, New York City; a translation of "History of Costume" by Adolf ROSENBERG, 5 vols., 1880; theses and papers on Louisiana subjects, 1802(1886-1914)1925; and a translation of a brief history of Louisiana, 1751-91, by Guy Soniat du FOSSAT.

Estimated number of items is 200; 10 volumes are arranged on a shelf and 150 pieces in steel filing cabinets. Arrangement and cataloguing by the Dewey Decimal System is about 25% complete and the pieces are shelved as completed.

Manuscripts are open to public use without restriction. No copy service is available, but arrangements can be made for obtaining photostats.

See.—Shreveport Times, Centennial Issue, June 28, 1935.

UNIVERSITY (BATON ROUGE).—LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE.

Four units or departments within the jurisdiction of Louisiana State University contain manuscript holdings. Three of these, the Department of Archives, the Historical and World War Museum, and the School of Music, are described below. The Agramonte Memorial Library is a part of the Louisiana State University Medical School in New Orleans, and the entry for it will be found under that municipality.

UNIVERSITY (BATON ROUGE).—LOUISIANA STATE UNIVERSITY, DEPARTMENT OF ARCHIVES. Archivist, Edwin A. Davis; Assistant Archivist, William R. Hogan. Hours: 8 a.m. to 5 p.m. Monday-Friday; 8 a.m. to 12 p.m. Saturday; others by arrangement.

The Department of Archives, a division of the University Libraries, was established under legislative authority in May of 1936, to receive and collect public records or documents and private manuscripts bearing upon the history of the State; to edit and publish official records and other historical materials; and to survey the official records of the State, its parishes, and other subdivisions. The depository solicits gifts and accepts collections without obtaining title; purchases are made when the material is not otherwise obtainable. The depository does not sell items, but photostats and typed copies are exchanged with similar departments elsewhere. The collections are currently housed in the lowest stack level of the three-story Law School Building, constructed in 1937 of steel, limestone, and tile. The building is fire-proof; space is inadequate for any further expansion.

HOLDINGS

Manuscript materials deal chiefly with social and economic phases of life in the lower Mississippi Valley from the middle eighteenth century to the present. A variety of materials such as diaries, commercial and business records, personal and legal correspondence, maps, land grants and conveyances, journals, military papers, and plantation records treat as major subjects business enterprises and institutions, educational history, plantation social life and economy, and the Civil War and its aftermath. Among the noteworthy collections are: The Thomas AFFLECK Collection, 1812(1842-68) 1878, personal correspondence, diaries,

almanacs, etc., of Thomas AFFLECK of Washington, Mississippi, and Washington County, Texas, relating mainly to scientific advancements in agriculture, 513 pieces and 45 vols.; the Harrod C. ANDERSON Collection, 1849(1885-87)1888, diary of Harrod Clopton ANDERSON, planter of Haywood County, Tennessee, 6 pieces and 3 vols.; the Assumption Parish Papers, 1841(1841-79) 1920, leases, conveyances, warrants, subpoenas, and political papers of Assumption Parish, 84 pieces; the Attakapas County Papers, 1808(1808)1826, tax and assessment rolls of Attakapas County, Louisiana, 26 pieces; the Bennet H. BARROW Diary, 1833-46, copy of the diary of Bennet H. BARROW, planter and sportsman of Highland Plantation, West Feliciana Parish, Louisiana, 1 vol.; the John BISLAND and Family Collection, 1767 (1773-1855)1884, plantation cotton culture and business accounts of a retail store in Natchez, Miss., 1,187 pieces and 5 vols.; the Thomas Duckett BOYD Collection, 1896-1927, official reports, resolutions, and correspondence dealing with the administration of Louisiana State University, 75 pieces; the James BROWN Papers, 1764(1804-10)1811, correspondence and the legal and business papers of James BROWN, United States Attorney of Orleans District, United States Senator, and Minister to France, 95 pieces; the Eli J. CAPELL Collection, 1842(1842-64)1891, records of Pleasant Hill Plantation, Amite County, Mississippi, including diaries, crop-books, records of routine, sales, and laborers, 23 vols.; the Francisco L. H. CARONDELET Papers, 1791(1792-96)1819, letters in French and Spanish of Baron de CARONDELET regarding debts, passports, military records, and rules of commerce, 11 pieces; the William C. C. CLAIBORNE Collection, 1804(1804-5)1811, unpublished letterbook of William C. C. CLAIBORNE containing official correspondence on the organization and administration of the government of the Territory of Orleans, 2 pieces and 1 vol.; the Concordia Parish Collection, 1794(1800-1860)1896, official papers and photostats relating to the organization and administration of the government of Concordia Parish, Louisiana, from its beginning through the Reconstruction period, 216 pieces and 8 vols.; the Consolidated Association of Planters of Louisiana Collection, 1791(1827-82) 1912, financial records of the Association, a land bank of sugar planters, including banking papers, account books, land and slave sales, diaries, correspondence, etc., 9,666 pieces and 84 vols.; the James H. DAKIN Diary, 1847-50, diary of the architect and

building superintendent of the Old State Capitol at Baton Rouge, Louisiana, dealing with the construction of the building, 1 vol.; the Stephen DUNCAN Collection, 1846(1851-79)1895, plantation records and correspondence of Dr. Stephen DUNCAN and his son, Stephen, of Natchez, Mississippi, 113 pieces and 7 vols.; the East Baton Rouge Parish Collection, 1829(1860-65)1909, legal and business papers and correspondence of Edward COUSINARD, public official of East Baton Rouge Parish, 547 pieces and 7 vols.; the E. John and Thomas C. W. ELLIS and Family Collection, 1829(1870-1920)1936, correspondence, documents, and business papers of three generations of the Ezekiel Parke ELLIS family of southeastern Louisiana, 7,173 pieces and 72 vols.; the Hazel and Nellie ELLIS and Family Collection, 1848(1903-11)1938, family correspondence of the Caswell P. ELLIS family of Montgomery, Alabama, and New Orleans, centering mainly about the daughters, Hazel and Nellie ELLIS, 5,461 pieces and 15 vols.; the Richard T. ELY Collection, 1484(1700-1895)1927, the manuscript collection of the economist, Richard T. ELY, pertaining chiefly to English economic organization, 310 pieces and 21 vols.; the Kate GARLAND Collection, 1860(1860-68)1870, mainly a diary describing social life in Virginia and Alabama during the Civil War, 28 pieces and 1 vol.; the Charles E. GAYARRE Collection, 1720(1845-57)1895, legal, business, literary, and personal papers of Charles Etienne Arthur GAYARRE, 588 pieces and 5 vols.; the GRAS-LAUZIN Family Papers, 1783(1810, 1862-63)1864, papers and business records of the GRAS and LAUZIN families of Baton Rouge, 488 pieces; the Joseph C. HARTZELL Papers, 1878-1902, correspondence of Rev. J. C. HARTZELL, Pastor of the M. E. Church (North) of New Orleans and later Bishop of Africa, 500 pieces; the Mrs. Isaac H. HILLIARD Diary, 1849-50, copy of a diary describing activities on a plantation near Vicksburg, Mississippi, travel and social life in Mississippi and Louisiana, 1 vol.; the George HUNTER Diary, 1804-5, copy of a diary kept by George HUNTER while on a trip from Philadelphia to the Louisiana Territory and a journey up the Red and Ouachita rivers to Hot Springs, Arkansas, 1 vol.; the Arthur W. HYATT Collection, 1861(1861-64)1892, official records, personal and official correspondence, and diary of Arthur W. HYATT pertaining to Confederate States Army companies of Louisiana and Florida, 146 pieces and 4 vols.; the John C. JENKINS and Family Collection, 1840(1840-55)1900, personal papers of the

JENKINS family of Elgin Plantation, Adams County, Mississippi, and the diary of Dr. John C. JENKINS recording agricultural experiments, plantation routine, and social and literary activities, 89 pieces and 13 vols.; the William T. JOHNSON and Family Memorial Collection, 1793-1937, diaries, personal, legal, and business papers, letters, account books, and financial records of a Natchez, Mississippi, free Negro family, 1,304 pieces and 58 vols.; the William P. KELLOGG Papers, 1861(1874-76)1884, official and personal papers of William Pitt KELLOGG, pertaining chiefly to his administration as Governor of Louisiana, 1,236 pieces; the Christian D. KOCH and Family Collection, 1829 (1845-1900)1910, personal and business papers of a Danish immigrant family in Louisiana and Montana, 3,324 pieces; the Severin LANDRY and Family Collection, 1838(1843-82)1887, correspondence and papers of Severin LANDRY, sugar planter of Assumption Parish, Louisiana, 148 pieces and 2 vols.; the LIDDELL Family Collection, 1792(1838-70)1891, chiefly plantation records, business and legal papers, and personal correspondence of Moses J. LIDDELL and his son, St. John R. LIDDELL, planters of Adams County, Mississippi, and Catahoula Parish, Louisiana, 6,232 pieces and 45 vols.; the Louisiana Sugar Planters Association Collection, 1877-1908, correspondence, papers, records, and minutes of the Association, 205 pieces and 1 vol.; the Henry D. MANDEVILLE and Family Collection, 1815(1850-89)1925, personal and business correspondence, and legal and commercial papers of three generations of the Henry D. MANDEVILLE family of Natchez, Mississippi, dealing with early Mississippi banking, rise and decline of family fortunes, education of children, plantation life, Civil War, etc., 2,242 pieces; the Joseph MATHER Diary, 1852(1855-56)1859, daily activities on a sugar plantation in St. James Parish, Louisiana, 1 vol.; the Edward J. MEANS Letterbook, 1864(1864)1878, official correspondence of Lieut. Edward J. MEANS, commandant of the Confederate Naval Station at Marion Court House, South Carolina, 1 vol.; the MEULLION Family Papers, 1776(1776-96)1906, manumission papers, receipts, land deeds, property lists, and similar papers of a Louisiana free Negro family, 121 pieces; the William J. MINOR and Family Collection, 1748(1830-70)1898, plantation records, early Natchez banking papers, and personal correspondence of the Stephen, William J., and Henry MINOR families of Natchez, Mississippi, 409 pieces and 38 vols.;

the Montpelier Academy Papers, 1833(1835-37)1840, legal and financial records of the Academy near Greensburg, Louisiana, 59 pieces; the Thomas O. MOORE Papers, 1832(1856-71)1877, personal correspondence, business letters, and political and legal documents of Thomas Overton MOORE, planter and Governor of Louisiana during the Civil War, 707 pieces; the Opelousas Land Office Papers, 1808(1811-21)1849, letters and papers of Levin WAILES, Register of Land Office, Opelousas, Louisiana, 20 pieces; the John PHARR Collection, 1878-1938, commercial records of the sugar industry, 10,300 pieces; the John H. RANDOLPH Collection, 1822(1836-78)1890, chiefly plantation material in the form of letters, accounts, and papers of John H. RANDOLPH, cotton and sugar planter of Bayou Goula, Louisiana, 1,034 pieces and 15 vols.; the Mrs. Emily T. SCOTT Collection, 1850(1920-32)1935, stock certificates, letters, and land holdings, of the Scott family of Sicily Island, Louisiana, 326 pieces and 1 vol.; the Joseph D. SHIELDS Collection, 1820(1842-97)1927, letters, literary manuscripts, speeches, and business papers of three generations of the Joseph Dunbar SHIELDS family reflect political sentiment and social and economic conditions of the Natchez region, 712 pieces and 4 vols.; the Daniel D. SLAUSON Collection, 1852(1864)1870, medical records, furloughs, military orders, receipts, and personal letters of Dr. Daniel D. SLAUSON, surgeon in the hospital of the "Corps de Afrique" at Port Gibson, Mississippi, 537 pieces and 3 vols.; the Clara E. SOLOMON Collection, 1861-62, diary of a New Orleans girl giving reactions to the war and describing social conditions and activities in New Orleans, 1 piece and 4 vols.; the Leonidas P. SPYKER Collection, 1856(1856-60)1932, records of the SPYKER family of northwestern Louisiana consisting mainly of a plantation diary and family genealogical data, 1 vol.; the Edwin L. STEPHENS Papers, 1856(1902-38)1938, papers of Dr. Edwin L. STEPHENS, President of Southwestern Louisiana Institute, 1900-1938, 6,054 pieces; the Joseph B. STRATTON Collection, 1746(1843-1902)1903, papers and diary of Joseph Buck STRATTON, Presbyterian minister of Natchez, Mississippi, 20 pieces and 46 vols.; the Fred R. TABER Papers, 1861-62, letters of a young Confederate volunteer, 18 pieces; the Calvin TAYLOR and Family Collection, 1813(1840-60)1913, business records and personal papers embracing lumber industry, land speculation, educational ventures, and salt making in several southern states, 1,975 pieces and 17

vols.; the TUREAUD Family Collection, 1804(1848-80)1932, chiefly plantation material, financial records, and business and personal correspondence of the TUREAUD family, planters of Ascension, St. James, and West Baton Rouge parishes, Louisiana, 254 pieces and 77 vols.; the Joseph VIDAL Collection, 1795 (1795-1866)1936, chiefly land grants, transfers, surveys, and speculation under the Spanish regime, and petitions, conveyances, and similar items regarding banking enterprises in Mississippi, 768 pieces; the David WEEKS and Family Collections, 1782 (1820-70)1894, papers of the WEEKS, CONRAD, MOORE, and GIBSON families of southern Louisiana depicting sugar plantation economy, cotton planting, railroad building, educational institutions, and war and rehabilitation problems, 10,106 pieces and 12 vols.; and the Henry WILSON Collection, 1779(1804-20, 1835-48)1885, official papers—petitions, contracts, military orders, correspondence, records of courts-martial, data on removal of Indians, maps, plats, etc.—of Henry WILSON, an army officer who served in the Seminole War and the War with Mexico.

The Department of Archives has approximately 500,000 manuscript items exclusive of several times that amount of official archives from the various departments of the State and parish governments. All manuscript holdings have been arranged by collections in boxes, and by chronological subdivisions in manila folders within the boxes. The boxes are numbered and arranged alphabetically by name of collection on steel stackshelves. Volumes are alphabetically arranged on shelves by name of collection; in collections having more than one volume, a numbered subject classification for each volume, affecting both numerical and alphabetical order, completes the arrangement. A complete accessions file is maintained and about 80% of these have been catalogued. Catalogue entries contain a detailed description of the contents and an individual treatment of each bound volume. Cross-reference and subject heading cards are also entered in the catalogue; a complete catalogue by collection and by pieces is anticipated, and a name and place index is under preparation.

All manuscripts are open to researchers. Copy service is available and photostats may be obtained at cost.

See.—John C. L. Andreassen, The Inventory of Manuscript Collections in the South; Downs, Resources of Southern Libraries, pp. 50-51; "Historical News and Notices," Journal of Southern

History, II (1936), 129-130; *ibid.*, III (1937), 532; *ibid.*, IV (1938), 417-418; *ibid.*, V (1939), 129, 422; *ibid.*, VI (1940), 141-143; Historical Records Survey, *Calendars of Manuscript Collections in Louisiana Series 1. The Department of Archives No. 1. Taber Collection*; Historical Records Survey, William Ransom Hogan, ed., *Guide to the Manuscript Collections in Louisiana, The Department of Archives, Louisiana State University*, Volume 1.; Holbrook, *Survey of Activities*, pp. 144-145.

UNIVERSITY (BATON ROUGE).—LOUISIANA STATE UNIVERSITY, HISTORICAL AND WORLD WAR MUSEUM. Head, Annie Boyd Grayson. Hours: 8 a.m. to 12 m. and 2 p.m. to 5 p.m. Monday-Saturday; 2 p.m. to 5 p.m. Sunday.

The Historical Museum of Louisiana State University dates from about 1870. It was moved several times along with changes in location of the University. Since March, 1933, it has been housed in the Soldiers' and Sailors' Memorial Tower, locally known as the Campanile. The building was constructed in 1924 of reinforced concrete, hollow tile, and stucco; it is a one-story, fire-proof structure with tower shaft, 112' x 54' x 166'. The north wing houses the Historical Museum, and the south wing a World War Museum.

HOLDINGS

Materials in the form of annual reports, letters, memoranda, rolls, statistical reports, and telegrams relate mainly to the administration of the University and the economic and political conditions which affected it between 1860 and 1880. Prominent names appearing are William Tecumseh SHERMAN, David French BOYD, G. Mason GRAHAM, Gov. Thomas O. MOORE, Gov. Robert C. WICKLIFFE, Samuel H. LOCKETT, and Thomas Duckett BOYD. The BOYD Collection, 1855 (1867-80) 1932, illustrates the origin, struggle for existence, and the growth of Louisiana State University, approximately 5,000 pieces.

Aside from the Boyd Collection which is chronologically arranged in full, there are approximately 1,200 pieces which follow a numerical arrangement. One half of these are catalogued by accession, and all are catalogued by piece in a loose-leaf notebook and by a card system. Card entries indicate the title, author, name and address of donor, catalogue, and occasionally a brief

synopsis of content. Manuscripts, except particular exhibition pieces, are being gradually transferred from the Museum to the Department of Archives.

Permission of the head is necessary for access to materials; they are not allowed to be removed from the building. Student typing service is available and photostats are furnished at prevailing rates.

UNIVERSITY (BATON ROUGE).—LOUISIANA STATE UNIVERSITY MUSIC SCHOOL LIBRARY. Director, William van de Wall. Hours: 8 a.m. to 8 p.m. daily except Sundays and holidays.

The Music School of Louisiana State University was established in 1915-16 under the direction of Dr. Henry W. Stopher. The library, housed in the Music and Dramatic Arts Building, collects original manuscript music emphasizing geographically the lower Mississippi Valley region. Collection activities also include making manuscript copies of rare compositions in the possession of foreign depositories which would otherwise be inaccessible to American students. Materials are purchased; gifts and conditional deposits are accepted; and duplicates are exchanged with other libraries. The three-story, fireproof building is constructed of reinforced concrete, tile, and stucco; approximate outside dimensions are 238' x 175'. The building also contains classrooms, practice and rehearsal rooms, studios, and the University Theatre.

HOLDINGS

The library contains 250 full compositions plus 3,000 orchestral titles including concerts, operas, sonatas, and symphonies. Among the collections of manuscript operatic scores are Ch. BALMER Collection, 1834-39 and [1840], unpublished music of Iwan MÜLLER, George MÜLLER, F. PANNI, and H. BAERMANN, 27 pieces; Jubilus S. BERNARDI Collection, 1657, copies of nine of his compositions; "Der Brauer von Preston," n. d., by Adolphe ADAM, a manuscript copy of the complete opera; "Der Wildschutz," 1842, manuscript of the German comic opera by Gustavo Albert LORTZING; "Die Weise Deime von Avenel," 1825, manuscript of the opera by Francois Adrien BOILDIEU; "Guido and Ginevra," 1838, copied from the original opera of Jacques Francois HALEVY; HAYDN Mass in C, [1762-72];

"Johann von Paris" (Jean de Paris), 1812, manuscript copy of operatic score by Francis Adrien BOILDIEU; Mathias KELLER Opera Collection, 1832, containing orchestration of "Mehls' Joseph" by KELLER; "Prinz Eugen," n.d., a manuscript of the opera by Gustav SCHMIDT; "Hans Sachs," n.d., manuscript of the German comic opera by A. LORTZING; "Undine," n.d., manuscript copy of the original score by A. LORTZING; and "Zum Treuen Schafer," [1832], an unpublished opera. Latest acquisition is the 814-piece collection of J. P. ROBICHAUX, Negro founder of the Dixie Land Jazz Band.

There are approximately 130 pieces in the field of operatic music and an estimated 1,200 pieces of Mississippi Valley music. Arrangement, 90% complete, is by type of composition and by composer thereunder. Ninety per cent of the manuscripts are catalogued by accession, one-half by piece, and about one-third by author.

Special permission of the librarian is required for use of the manuscript music. Photostats may be obtained at prevailing rates.

See.—Wilkerson, Thomas Duckett Boyd, p. 289.

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TOMBS OF HISTORICAL INTEREST IN THE SAINT BERNARD CEMETERY

By CALVIN A. CLAUDEL

We seldom speak about cemeteries, and we usually approach them with extra decorum in paying our respects to the dead at burial time. Then they rarely evoke our sincere interest.

There is in Saint Bernard Parish, a mile or so below the little town of Toca, just across the Bayou Terre aux Boeufs, a small cemetery, of which most of the tomb inscriptions are in French. It possesses that charm of a lonely separateness from the world and is representative of a French culture of the highest sort. And yet Saint Bernard is largely Spanish in its population or ethnical origin.

Tombs and cemeteries, too, bring on us a great feeling of reverence, as if looking into the final and cherished privacy of people's lives. We get a tragic glimpse of people's sudden awareness of death and the wish to utter everything to the deaf ear of the enigma of death in a poem, in a heart-rending and terse epigram or epitaph. Who was the poet who wrote these inscriptions, some of which are beautifully lyrical? Perhaps a learned stonemason, who liked writing nicely syllabled alexandrins, selecting tombs of strong granite, beautifully and delicately tinted marble and other valuable stone. Stone and rock—the most enduring symbolic edifice for the dead. This was an agricultural slave economy, and they were able to erect beautiful tombs, or vaults, for the dead.

According to Mr. Adam Estopinal, a distinguished resident of a long lineage in Saint Bernard, this cemetery was probably the burial ground of the Reggio family, who were plantation owners there during the latter part of the eighteenth century and in the nineteenth century. And strange to say—the Reggio family was Italian, coming from Modena, Italy. They are important because Judith Helene Anastasie de Reggio was General Gustave Toutant Beauregard's mother. She is buried there. Saint Bernard was the home of the Beauregard family. There is an excellent biography of General Beauregard by Hamilton Basso.

On some of the tombs, going back to the eighteenth century, the inscriptions are lost; and since the first tombs were of brick, they are crumbling in ruins. However, one of the first and oldest seems to have been for a "Morales" or a "Molero". Only fragments of the head-pieces could be found.

Frequently there are two persons interred in one vault, such as man and wife. The oldest of such tombs, which is still intact, reads:

Ce tombeau renferme les restes de Nicholas Godefroy Olivier, né le 27 mai 1757, décédé le 18 juillet 1815; de Marie Anne Bienvenu, son épouse, née le 13 août 1772, décédée le 2 février 1843.

George M. Olivier, November 2, 1882-February 3, 1911.
The following is a translation of the French part:

This tomb holds the remains of Nicholas Godefroy Olivier, born May 27, 1757, died July 18, 1815; of Mary Anne Bienvenu, his wife, born August 13, 1772, died February 2, 1843.

These are French names. Also it is interesting to note that the last inscription of the present century, is in English. Formerly these people received an education in French, probably in convents and private schools in New Orleans. It is true that many of these people were Spanish in origin and there was a great influence of the Spanish language in everyday speech, but the main culture was French.

The next tomb is interesting because of its connection with the Beauregard family, and reads:

Ici reposent Judith H.A. de Reggio, épouse de Jacques Toutant, décédée le 5 octobre 1848, à l'âge de 54 ans et 23 jours.

Alfred P. Toutant, décédé le 4 septembre 1853, à l'âge de 27 ans, 8 mois et 27 jours.

Jacques Toutant, décédé le 19 octobre 1853, à l'âge de 64 ans et 6 mois.

Translated:

Here repose Judith H.A. de Reggio, wife of Jacques Toutant, died October 5, 1848, at the age of 54 years and 23 days.

Alfred P. Toutant, died September 4, 1853, at the age of 27 years, 8 months and 27 days.

Jacques Toutant, died October 19, 1853, at the age of 64 years and 6 months.

The next tomb is very interesting because Laure Villere was General Beauregard's first wife, and Henri, a son. It has a poetic epitaph, which reads:

Ici repose M.A. Laure Villeré, épouse du Major G. T. Beauregard, officier de l'armée des États-Unis, née le 22 mai 1823, décédée le 21 mars 1850. Esprit descendu du ciel, tu y es remonté; Dors en paix, fille, épouse et mère chérie.

Henri Toutant Beauregard, 1846-1915.

Translated:

Here repose M.A. Laure Villeré, wife of Major G.T. Beauregard, officer of the army of the United States, born May 22, 1823, died March 21, 1850. Spirit from heaven, there again you have returned. Sleep in peace daughter, spouse and dear mother.

This inscription expresses a tender emotion. Interesting it is to note "officer of the army of the United States".

In the following tomb we see the name Nunez, Spanish and of continued lineage in Saint Bernard. There is a terse apostrophe, expressing the fatality of death. It reads:

Ici repose Vincent Nunez, né le 11 août 1803, décédé la 1er fév. 1853.

Ta famille éplorée t'érige ce tombeau.

Divine Providence, quelle perte, quelle fléau!

Translated:

Here repose Vincent Nunez, born August 11, 1803, deceased Feb. 1st 1853.

Your desolate family lift you this tomb.

Divine Providence, what a loss, what a woe!

It is interesting to note that several persons died near together in the year 1853. This may have been due to a yellow fever epidemic.

The next are interesting for the formulae "ci-gît", "here lies",—from the Latin "hic iacet". However, "gît" comes from the French verb "gésir". The etymological source of "ci-gît"

seems to have evolved gradually from "hic iacet", which was used in ancient times on tombs. They read:

Ci-gît—Joseph Serpas, Jr., né le 23 jan. 1826, décédé le 19 mai 1851.

Ci-gît—Joseph Serpas, Sr., né le 3 mai 1791, décédé le 3 mai 1851.

Translated:

Here lies—Joseph Serpas, Jr., born January 23, 1826, deceased May 19, 1851.

Here lies—Joseph Serpas, Sr., born May 3, 1791, deceased May 3, 1851.

A father dies on his birthday, and is followed to the grave by his son later in the same month and year.

The next tomb also bears the Latin religious formula of "Let him rest in peace." It is also curious to observe because it seems that there is some doubt as to the date of birth, as signified by the French word "environ". It reads:

Ce tombeau referme les dépouilles mortelles de Marie LaFrance, épouse de M.A. de Cure, décédée le 13 août 1853, âgée d'environ 77 ans. Requiescat in pace.

Translated:

This tomb holds the mortal remains of Marie LaFrance, wife of M.A. de Cure, died August 13, 1853, about 77 years old. Rest in peace.

The following tombs have the most perfect inscriptions of all those in the cemetery. When the verses of both tombs are put together, we have a perfect sonnet. The first reads:

Ci-gît—Martin Rodolphe Cure, né le 29 jan. 1838, décédé le 23 fév. 1860.

Dieu dans sa sagesse près de lui t'a rappelé;
Ton séjour parmi nous fut de courte durée.
Loin de décider sur CET ÊTRE suprême,
Gardons en l'adorant un silence profond;
Sa nature est immense et l'esprit conforme—confond
Pour savoir ce qu'il est faut être lui-même.
Puisquent jusques au ciel nos soupirs innocens
Monter comme l'odeur d'un agréable encens.

The next reads:

Ici repose Dame Louis Cure, née Marguerite Victorine Cox, décédée le 11 Octobre 1868, à l'âge de 49 ans.

Au pied du trône de Dieu je t'aperçois, ma femme,
Implorant et priant pour les tiens et pour moi;
Le temps me presse de me rendre près de toi,
Chère épouse, prépare pour nous ce bonheur suprême,
Objet de tous mes voeux; de ton absence désolée,
Près de toi dans le ciel, voilà ma seule pensée.

Translated:

Here lies—Martin Rodolphe Cure, born January 29, 1838,
died February 23, 1860.

God in his wisdom has called you to Him;
Your sojourn among us was not long.
Far from deciding on that Being supreme,
Let us keep in adoring Him a profound silence;
His quality is immense and the spirit there conforms—
is dumbfounded
To understand His Being one would have to be He.
May our innocent cries reach heavenward
And arise like a pleasant incense.

Continued:

Here reposes Dame Louis Cure, born Marguerite Victorine Cox, deceased October 11, 1868, at the age of 49 years.

At the foot of God's throne I perceive you, O wife,
Imploring and praying for your loved ones and me;
Time presses me to betake myself to you,
Dear spouse, prepare for us that last happiness,
Object of all our wishes; forlorn by your absence,
To be by you in heaven, this my only thought.

The tomb inscription that follows is of the Lavigne and Garic families and has a lovely elegiac quatrain:

Ici repose la dépouille mortelle de dame Eugénie Lavigne,
veuve du sieur François Garic, née le 10 fév. 1777, décédée
le 21 nov. 1833 . . .

Ange de bonté, de douceur,
À ses tristes enfans la Parque l'a ravie!
Et ne leur laisse, hélas, que l'unique bonheur
De la pleurer toute leur vie.

Translated :

Here reposes the mortal remains of dame Eugénie Lavigne, widow of Francois Garic, esquire, born February 10, 1777, died November 21, 1833 . . .

Angel of goodness, sweetness,
The Fates have ravished her from her mourning children!
And leave them, alas, the one and only solace
Of lamenting her all their life long.

The next tomb appears by the abbreviation "Gl" to be that of General Beauregard. However, this is an abbreviation, it seems, for "Gabriel" not "général". Besides, we know that General Beauregard is buried in the City Park Cemetery in New Orleans. It reads :

Ici repose Gl Beauregard, décédé le 26 juillet 1854, à l'âge de 30 ans.

Translated :

Here rests Gl Beauregard, died July 26, 1854, at the age of 30 years.

For the last inscription we consider there was no tomb; only a loose head-piece found in the weeds. The person is extremely interesting because of his being a genuine centenarian, an age we would all like to reach, who lived in France before the great Revolution of 1789, who was perhaps a soldier in Napoleon Bonaparte's armies, and who in his peregrinations went to the Island of Santo Domingo, where sugar cane was raised and where there were uprisings affecting the United States. It reads :

Ici repose Jacques Robert Boisgervais, né le 2 fév. 1752, décédé le 28 sept. 1852. Natif de la paroisse de St Philibert, évêché de Nantes, royaume de France. Ancien habitant de St. Domingue.

Translated :

Here reposes Jacques Robert Boisgervais, born February 2, 1752, died September 28, 1852. Native of the Parish of St. Philibert, bishopric of Nantes, kingdom of France. Former inhabitant of St. Domingo.

THE SUCCESSORS OF LAFFITE

By JOHN SMITH KENDALL

It must not be thought that Jean Laffite was the only person of his kidney who flourished in New Orleans in those fine old bloodthirsty days at the beginning of the nineteenth century. There were others—many others, if we may credit a Grand Jury report turned in to the United States District Court in July, 1814. "Piracy and smuggling," it read, in part, "are so long established and so systematically pursued by many of the inhabitants of this state and, particularly, of this city and vicinity," as to render it difficult "to establish facts legally, even when the strongest presumptions are offered." The jurymen went on to reproach the executives of the State and of the city for their slackness in dealing with the situation.

This, undeniably, was a grave charge to bring against the community—grave, even if the term, "piracy," were not used here in its traditional sense, but in the narrow, legal meaning explained in the writer's previous article on "The Huntsmen of Black Ivory". Otherwise, it is not conceivable that the Grand Jury should have gone on to refer to it as the offense "calculated to impair public confidence and injure public credit, to defraud the fair dealer, to drain the country of specie, and to corrupt the morals of the people." Such mild language would be entirely inappropriate to crimes of major import. What the jurymen really had in mind was the smuggling into New Orleans by Laffite and such persons, of goods captured on the high seas, a traffic which interfered with legitimate trade.

Let us repeat. It was an act defensible in law to operate as a privateer. It was not an act defensible in law to smuggle goods into the United States. To fit out a privateer in this country to prey upon the commerce of a friendly country, under cover of commissions from nations at war with the latter country, was, technically, an act of piracy. In order to clear a vessel of that type, moreover, the master had to commit wholesale perjury, and that, no matter how you look at it, is an

entirely unjustifiable act. Let us remember, too, that there were no courts of admiralty which had jurisdiction over such vessels as those operated by Jean Laffite. Their prizes could not be haled before any tribunal, to be regularly condemned and sold, as is the custom with legitimately functioning privateers. No bonds could be given for the indemnity of ships that might be unlawfully taken. There was, in fact, no restraint possible upon persons sailing under such commissions.

It is worth repeating these remarks, because, when the War of 1812 ended, the opportunities for capable and industrious buccaneers to batten upon peaceful commerce in the Gulf of Mexico underwent a sudden, remarkable expansion. The new situation arose in connection with the broadening of the field of war between Spain and her American colonies. Since 1810 all the Spanish possessions in the New World, except Florida, had rebelled. The new governments were most unstable, for there the will of the military hero of the moment was the only law, whether in state or municipality. But any government, no matter how transitory, suited the requirements of the buccaneers.

Previous to and during the War of 1812, Laffite and his gang were the only buccaneers afloat in the Gulf of Mexico and the Caribbean. Now, with the cessation of hostilities, the pirate fleets were increased by the numbers of excellently armed vessels. The owners and masters of the privateers that had played havoc with the British merchant marine during the war were so pleased with that manner of life that they were not willing to settle down to peaceful commercial pursuits. They set sail for such Spanish-American ports as were in the hands of the insurgents and copying Laffite's example, in a trice obtained papers as "patriot" privateers. They then went cruising as did those two Baratarian schooners captured by Patterson and Ross, with the Cartagenian flag at their mastheads.

To give an account of all these new-fledged buccaneers—for, despite their pretense of legality, they were nothing more—would require a portly volume. Nor would it be devoid of human interest. For instance, there was Captain Daniels, of Baltimore, whose ship, the *Irresistible*, fought an action with the Spanish brig *Neyrada*, in which the latter lost thirty-eight men killed and twenty-two wounded; whereas the *Irresistible*'s loss was one wounded and none killed. Four other buccaneers went as far

as the Philippines in quest of Spanish ships. The *Argentina* actually made prizes near the place where, eighty years later, Admiral Dewey destroyed the last vestiges of Spanish power in the Orient.

There were also Captain James Chayton, who, in 1817 was in command of the *Independencia del Sur*, and Captain Barnes, of the *Mangoree*. Together this precious pair waylaid two Spanish ships and stripped them of cargo valued at \$701,980. They subsequently landed plunder worth \$290,000 at Norfolk, Virginia. A year before, Chayton took a ship with \$60,000 in coin on board. The Spanish minister in Washington complained to our Government about their activities, and had his trouble for his pains. Not to pursue this branch of the subject further, let it be said that these and other adventurers captured property worth, in the aggregate, many millions of dollars. They actually blockaded Havana and Santiago de Cuba for days at a time, while Spanish warships of superior tonnage were lying within.

Not every one of the privateers met with good fortune. Some even of those fitted out in New Orleans failed to return to their owners the profit expected of them. The majority made no prizes of moment. When one of the unlucky vessels had been at sea a long time without taking a Spanish prize, the master had either to seize a ship of some other nationality or face the prospect of a mutiny on board. Few of them seem to have had the moral fiber to face that alternative, and some of them, apparently, did not need any such incentive to loot any boat that happened along.

Because the people of the United States disliked the Spaniards on general principles, and because they sympathized with the Spanish colonies in their War of Independence and desired to lend them a helping hand, this recrudescence of piracy was ignored for years. As a whole our people declined to believe the facts even when American vessels mysteriously vanished away. Not till 1840 can it be said that the last pirate had been hunted down and exterminated in the Gulf of Mexico. Even after that date there were sporadic incidents of a more or less piratical character, as, for instance, the voyage of the *Rebecca* in 1859, with a cargo of slaves—the last slave ship to try to run the gauntlet of the American coast guard and land her sable freight on the Louisiana coast.

This somewhat lengthy preamble will serve to indicate the background against which the successors of Laffite operated out of New Orleans. This is not the place to give a detailed history of each and every one of these adventurers. We shall select only a few instances to show just what the traffic was, how it was handled out of New Orleans, and what fate undertook the promoters thereof. That they went to work without delay is clear from the case of an individual named Desfarges, who was hanged as a pirate in New Orleans in 1819. His story is particularly interesting because, although he was operating ostensibly on his own account, he was really an agent of Jean Laffite. Desfarges intercepted and looted a ship within musket-shot of the mouth of the Mississippi River. Somehow, in the process, several persons on board met their deaths. An American warship, hurrying to the scene, captured the perpetrators of the crime. They were taken to New Orleans and lodged in the dungeons of the Cabildo.

Previous to this adventure, Desfarges had served under Laffite at Barataria and, more recently, at Galveston. In August, 1819, he and the redoubtable Jean signed articles of agreement under which Desfarges assumed command of a vessel named *El Bravo*, described as a "Mexican corsair". Actually, it was the property of Laffite. The latter, by the way, wrote his signature to the document with two "f's" and one "t", which is not the way that his name has usually been spelled in history. Moreover, he described his office as "ship's chandler," which, also, varies somewhat from the manner in which his profession is designated nowadays.

The agreement between Laffite and Desfarges deserves study. It shed light upon the whole business of piracy, as practised by one of its most accomplished exponents. Laffite reserved for himself all arms, munitions and materials of war which might fall to *El Bravo* during her voyage. On whatever else she took, he was to receive a commission of five per cent, to pay him for his trouble in fitting out the vessel. Then he was to have one half of all her takings other than military stores. The residue was to be divided among the captain, officers and crew of the vessel, according to an intricate system of "portions," based on the number of men on board and certain "gratifications" or rewards for outstanding effort. The captain's share was five per cent. The ordinary seaman received one "portion". If he deserted, was discharged for misbehavior, or was caught stealing from his companions, he lost his "portion". Any man who lost a limb in action was to receive

\$800 out of the money derived from the prize taken at that time. The first man to board a prize was to have a whole extra "portion". The sailor who first sighted a vessel which turned out to be a profitable "take", was compensated with an additional half-portion. The cook and the master-gunner were each entitled to one and one-half portions. There were also extra compensations for prize captains and prize crews.

In another document, executed at the same time, Laffite gave his lieutenant detailed instructions regarding the conduct he was to observe after departing from Galveston. He was, for instance, to take prizes "from the west of the stream" (the Mississippi?) and bring them into no port but Galveston, and when arriving there, was to display a white flag at the *Bravo's* mizzenmast and fire a single cannon-shot, by way of identification. On such occasions Laffite undertook to answer the *Bravo's* signals by displaying a white flag either on a certain "bell tower", or on a vessel which would be sent out to meet Desfarges, or from the beach. He was also to fire an answering cannon-shot from the shore batteries.

All these meticulous arrangements, however, went for naught. Desfarges never got back to Galveston, and, consequently, no flags were thrown to the breeze there, and no cannon-shots were fired. That, however, was not his fault. It was the untimely advent of that American warship which threw out of kilter all of Laffite's arrangements. Two months after Desfarges sailed away from Galveston, he and sixteen of his men were in the hands of the authorities in New Orleans charged with piracy. Then ensued an extraordinary series of events—events which show how deeply the virus of lawlessness had eaten into the community. For Laffite hurried to New Orleans to render what aid he could to his imperiled confederate. He mustered enough supporters to attempt to burn the prison with the hope of rescuing its occupants. The plan miscarried. The desperadoes mistook the adjacent Arsenal for the prison. Before it could be extinguished, the blaze spread to some adjoining buildings, so that the entire vicinity came near being consumed also. Then, this device having proved ineffective, they proposed to tear down the Cabildo and so set the imprisoned pirates at liberty. But the Cabildo's walls were strong, there were stout iron bars at the windows, and that threat passed without any attempt to put it into execution.

In such emergencies the state and city authorities often showed themselves piteously week-kneed. Not so the Federal officers. They stood firm in the face of Laffite's blusterings. But the doughty chieftain was not content with a fire or two; he hurried off to Washington, and there, with the co-operation of John R. Grymes and Edward Livingston, his New Orleans attorneys, and other persons high in power, succeeded in wrangling from President Monroe a pardon for at least one of the buccaneers—a young man named Trinkhart. The presidential pardon was dated April 3, 1820. Trinkhart was set free because, as the document recited, "he had evinced a humane disposition, opposed to the shedding of innocent blood, thereby manifesting that there still remained in his breast a portion of virtuous feelings, much the more commendable because they were exhibited in the midst of evil example, and from which a hope is derived of his reformation." Such was good Mr. Monroe's motive in showing mercy to the pirate. Or was it? One wonders. Somehow, the impression gathers that the executive clemency in this case meant that Trinkhart had turned state's evidence and betrayed his companions in crime.

As for the rest of the ungodly crew, they met a deserved fate. The stages by which they moved to their end are matters of record. In October, 1819, Desfarges and his companions were put on trial for piracy and felony; and on November 22 they were found guilty, and were sentenced to be hanged. On April 3, 1820, a presidential order stayed the execution till July 25; that—oddly enough—coinciding with the date of Trinkhart's pardon. On April 17 Desfarges' sentence was ordered carried out, and on May 25 he was launched into eternity from the yard-arm of a United States warship lying at the foot of Customhouse Street, in the best tradition of the navy in its relations with the pirates. The remaining fifteen rascals were dispatched before the year was out.

One other singular circumstance connected with this affair remains to be noted. It links with the New Orleans buccaneers the hitherto-respected name of a famous Napoleonic general, Jean Robert Humbert. Humbert, it will be recalled, led the French army which invaded Ireland toward the close of the eighteenth century—the last time that a foreign enemy has set foot in the British Isles. Then, having fallen into the ill graces of his imperial master, Humbert fled to New Orleans and resided there till his

death. Somehow he managed to get himself mixed up with the struggle of the Mexicans for independence from Spain. It is said that he led an expedition into that country, to fight there for liberty; but if so, there is no evidence to indicate that his absence from New Orleans lasted more than a very brief time. That he was on intimate terms with the Baratarians was a matter of general knowledge. How intimate, may be estimated from the fact that Desfarges, at his trial, testified under oath that Humbert, if he could be found and made to answer, would establish "the authenticity of the commission under which he had made the capture set forth in the indictment".

In 1820, when another case involving piracy came up in New Orleans, Humbert's piratical commitments were more clearly indicated in the charge filed by the United States attorney. This was a case involving Jacques LaCroix and Jean Louis Rory, two Frenchmen. They were convicted, but President Monroe pardoned them. In the indictment it was affirmed: "First, that the alleged pirates held a purported commission signed by a certain Humbert, commonly called General Humbert, to cruise against Spanish ships; Secondly, that the said Humbert falsely styled himself 'Governor of Texas', or some other fictitious authority; Thirdly, that the said Humbert, as a matter of fact, has long been and still is a resident of New Orleans; Fourthly, that the accused had no actual authority for the depredations and robberies which they have committed, and were and are really pirates; and that, fifthly, Humbert has aided, abetted and commanded them."

In all probability the old soldier, who has a secure place in French military history, would have had an opportunity to quit this world with a bit of rope around his neck, had it not been that his age and health rendered such harsh action unnecessary. On July 17, 1821, the charges which were pending against him in the United States Court as an outcropping of the LaCroix-Rory affair were nol-prossed. His death occurred not long after.

The case of the *Bravo* makes a very curious story. But the affair of the privateer *Bolivar* is even more characteristic. This vessel had a long and interesting history. She was originally called *La Caridad*. She belonged to Christobal Juando, a Spaniard doing business as a merchant in Santiago de Cuba. On October 2, 1813, she was on her way back from New Haven, Connecticut, whither she had gone with a cargo of provisions. She was approaching her home port, when she was attacked by two vessels

which first displayed the American ensign, and then broke out a "strange flag" subsequently ascertained to be that of the newly-established republic of Cartagena. The *Caridad* surrendered. Her crew was set ashore. The boat was taken in tow. She and her captor disappeared in the distance, heading south.

Three months later the *Caridad* bobbed up, in the harbor of Cartagena, only now she was known as the *General Bolivar*. She had somehow become the property of Theodore Faurvinsky, and the captain was Pedro Liquet. No longer was she a peaceful merchant vessel. Two cannon thrust their noses from portholes, one at each side; and she had a crew of ninety men, all heavily armed with guns, pistols, swords and daggers. She had a commission signed by José Aznozola y Voani, secretary of war, and Manuel Rodríguez Torices, president, of the Republic of Cartagena. She was authorized to "take all ships and property of the Spanish nation and its dependencies".

On March 3, 1814, however, the *Bolivar* changed ownership, master, and authorization. Now it belonged to José Guerra y Poseda, a merchant of Cartagena. The new captain was named Joseph Clements. Its new commission was signed by no other than Laffite's famous lieutenant, Beluche. Probably the *Bolivar* had in the interim visited Barataria and there been favored by Beluche with this curious document. Because it is so curious, the reader will permit us to transcribe it here:

I give you the command of the General Bolivar, because you have my entire confidence, and that of Larmatier (Who was Larmatier? We do not know). May the wind permit you to raise anchor and make sail for New Orleans. The corsair, "Independence", of Cartagena, with the blessing of the Pope, will convoy you until you are in Spanish waters. On board you will observe the strictest discipline, and conform with the laws of the government. Do not, for any motive whatsoever, operate alone, and do not invite pursuit. You will protect neutral ships, which you will be bound to restore, according to the laws of the sea. If in the course of your voyage, you capture any Spanish vessel (the value of which cannot be identified), send the booty to Cartagena and burn the vessel; such is the will of the president. As soon as you arrive in New Orleans, you will call upon Mr. LeCarpentier, who will advance you the money necessary to repair your privateer, which work you will hasten with all possible diligence, and put back to sea, and speed to Cartagena.

I salute you in friendship.

BELUCHE.

If for any reason you cannot have the ship repaired, let Mr. LeCarpentier dispose of it for the account of Larmatier, but remember the vessel belongs to the government, and therefore sell it to the best advantage.

In June the *General Bolivar* set sail from New Orleans with a general cargo, mainly foodstuffs. A month later a Spanish vessel, the *Percenod*, on her way from Bermuda to Havana, was intercepted by a schooner named the *Atalanta*. The latter displayed the Cartagenian colors. The Spaniard had no disposition to resist. He was convoyed to Barataria, and there the cargo was unloaded and sold. Then, and then only, did the *Atalanta* reveal her real identity—she was the *General Bolivar*. Why did her master masquerade under a different name? Was it the custom among the Baratarians to employ different names, in hopes of complicating any subsequent investigation of their illegal actions? Or was this a unique instance, in which a clever rascal was attempting to throw dust in the eyes of his own sponsors, down there in Cartagena? Or was it both?

The next time that we hear of the *General Bolivar* is when, in the following September, Patterson raided Barataria. She was one of the vessels which fell into his hands on that occasion. She was at sea when the raiders put in an appearance at the pirate metropolis, but had the misfortune to appear off Barataria a few hours later, and was driven inshore and run aground by some vessels dispatched against her under Lieutenant Spedding. At that time her armament was "one long 18-pounder, one long brass 6-pounder, and two 12-pounders," indicating that she was rather a sizable vessel. She was brought into New Orleans, condemned by a prize court, and sold at auction to Captain Thomas Reybaud, "a respected resident of New Orleans, . . . who married into a well-known Creole family." Reybaud was at one time Mexican consul in New Orleans. He died in this city at his home in Toulouse Street some time after the Civil War.

Reybaud decided to send out his new vessel as a privateer, and, presumably, she was equipped with the customary Colombian letters-of-marque. Reybaud is described as "in the service of the Colombian Republic" and may have had some sort of blanket authorization from Cartagena to commission ships to operate against the Spaniards; though this was the year 1826, and by that time the Republic of New Granada had won its independence, and was at least nominally at peace with the mother country.

The *Bolivar* was outfitted for her new service at Mobile. She was equipped with three guns and carried a crew of thirty-two men. Her master was Auguste Chicot, a bold and unscrupulous seaman. Luckily for himself, Reybaud did not go along on this inaugural voyage, and therefore no attempt was made subsequently to hale him into court, though as owner, he was undoubtedly responsible for the strange episode which we have now to relate.

At any rate, the *Bolivar* pulled out of Mobile on April 13, 1826. Two or three days after her departure she captured a schooner, the *Antoinette*, Captain Bateman, on its way from Mobile to Tampico. After attempting without success to extort a ransom for his prize at the port of destination, Chicot—or whoever it was who was in command at the moment—set sail for the mouth of the Mississippi and anchored off Southwest Pass, one of the numerous mouths of the great river. She still had the hapless *Antoinette* with her. On May 6 the schooner *Isabella*, Captain Thomas Byrne, hove in sight. She was returning from Brazos de Santiago, Mexico, to New Orleans with a load of specie estimated at \$35,000.

The *Bolivar* steered up to within hailing distance, hailed and gave her name, and ordered the newcomer to heave to.

"This being home waters," replied Byrne, undauntedly, "I shall do nothing of the sort"

"Do as you are bid," replied Chicot, sternly.

"By what right?"

"Never mind that. Comply, or we will sink you."

Byrne replied with some highly emphatic words of defiance. The *Bolivar* immediately opened fire with muskets loaded with ball, and then, as soon as her guns could be brought to bear, with canister. Five times her cannon thundered before the *Isabella* got out of range. The privateer (perhaps we should call her "pirate", for it must be clear that she was exceeding all legal privileges) made poor practice with her artillery, for the target sailed off undamaged.

The *Isabella* proved a speedier vessel than her pursuer. She headed into the river, hoping to elude her assailant altogether in the relatively shallow waters there. Chicot, however, put overboard his pinnace, with Lieutenant George Chitty and thirteen men in it, which rowed after her. The wind favored the quarry,

and Captain Byrne had the satisfaction of getting across the bar before he could be intercepted. Whereupon the occupants of the pinnace began to use their small arms again, though without much effect. The *Bolivar* also managed to get over the bar, and the three vessels went up the river in a sort of bellicose procession for several miles. But just as the privateer—or pirate, if you will—found herself within short musket-range she struck soft bottom and unshipped her rudder. The accident compelled her to abandon the chase, and the pinnace felt that it would be unwise to press on alone.

Darkness was coming on. The *Isabella* doubled back, turned into another one of the "passes" by which the Mississippi finds its way to the sea, and about 11 P. M. arrived at the settlement at Balize, where she told her story and asked protection. At Balize there happened to be the United States revenue cutter *Louisiana*, Captain John Jackson. He lost no time in setting out in search of the privateer. About 3 A. M. he passed the *Bolivar*'s boat with its fourteen occupants, but ignored it for the moment, in hopes of bagging larger game. And in fact, an hour later he came upon the *Bolivar*, anchored where she had grounded. Jackson hailed her. She offered no resistance. The *Louisiana* took her officers and crew into custody, put a prize crew on the privateer, picked up the pinnace and its occupants, and carried the whole assortment—men, boats, and all—to New Orleans, where they were delivered into the hands of the United States Marshal.

The attack on the *Isabella* not being satisfactorily explained, the matter was placed before the United States Grand Jury, and true bills were promptly returned against all the pirates concerned, charging "piratical aggression in contravention of the Act of Congress of March 3, 1825, dealing with that subject." The arrest of Chicot and his crew the following day created a great sensation in New Orleans. Some apprehension was felt lest the riotous scenes connected with the imprisonment of Desfarges should be repeated, but either Chicot had fewer friends, or they were less valorous, for nothing happened, and the trial duly took place.

Court convened to hear the matter on May 25. Pierre Soulé, a famous advocate, once a United States Senator and Ambassador, appeared for the State. He was aided by Isaac Wightman Smith,

another well-known member of the local bar. The defense was represented by Etienne Mazureau and John R. Grymes. The *Bolivar's* officers were tried separately; the men were tried together. The case against Chicot was first called. It lasted twenty-four hours. Then the jury brought in a sealed verdict. It was opened by the judge. It read: "Guilty with a recommendation to mercy." On May 28 the prisoner's attorneys moved for a new trial on the ground that certain documents containing instructions alleged to have been issued by Reybaud to Chicot had not been offered in evidence, yet had been allowed to reach the jury. The judge, however, held that the papers were material, and could only have been interpreted by the jury favorably to the defendant; and, moreover, that the existence of such papers had not been shown by proper evidence, and so he overruled the motion.

Chitty was the next one to be tried. His counsel made much of the fact that he was only a subaltern, and had no choice but to obey orders. It was ten o'clock at night when the jury brought in its verdict. "Guilty", it ran, "with a recommendation to mercy." On May 31 Pierre Gondre, Santiago Lafosse, and the rest of the *Bolivar's* crew to the number of thirty-five were brought before the bar. Gondre was the *Bolivar's* master-at-arms. The same verdict was returned. Sentence was pronounced on June 4. The judge, after making an address explaining the flagitious nature of their crime, sentenced Chitty and Gondre to three years' imprisonment; Lafosse to two years, and the rest of the crew, with one exception, to one year. The exception was a man named Aristide Delanaux, who for some reason to us unknown, was let off with one month's imprisonment.

Other litigation followed. The *Bolivar* was made the subject of admiralty proceedings, and toward the end of June was condemned and sold. Suit was also brought against the *Antoinette* by Charles Matthews and others. It seems that they had found the schooner abandoned off the mouth of the river, and had towed her up to the city. For their services they demanded compensation. A decree was handed down eventually awarding them \$3000, of which \$1000 was adjudicated to Matthews. Captain Bateman refrained from intervening, but the court pointed out that, had he chosen to sue also, he would have been entitled to a fee of from \$1500 to \$2000 for whatever he had done toward the preservation of his ship after its seizure by the *Bolivar*.

The trial of the *Bolivar*'s crew proved very exciting. Reybaud was present in court during the entire proceedings. At one point Soulé pointed a condemnatory finger at him, and accused him of being the real author of the offense under consideration. Actually, he had no share in the expedition, although he unquestionably was its promoter. He sprang to his feet and rushed up to Soulé.

"Beware!" cried Reybaud, with a voice trembling with fury: "I will kill you like a dog, you degenerate Frenchman."

Then he left the courtroom.

Soulé went on calmly with his argument. Reybaud did not kill him. In fact, he did not molest Soulé in any way. Some years later the two men patched up a reconciliation. Reybaud expressed a wish to have Soulé's friendship, and the latter assented. They remained on good terms through the many long years during which they were destined to remain fellow townsmen.

We have related this story with perhaps tedious detail, because it illustrates picturesquely not only the operations of the New Orleans privateers, but also the regrettable state of public opinion in the city, which tolerated an amazing state of affairs and had no criticism to offer even of the most outrageous offenders against the laws of the land and the ordinary decencies of commerce. The same traits are curiously in evidence in an episode which developed fourteen years after the *Bolivar* affair. This tale, however, is so singular that I hesitate to give it in my own words, but shall quote the account published in one of the New Orleans newspapers in 1873. This article was written by a man who vouched for the truth of the story personally.

The protagonist was a certain Captain J. S. Bossière, another "well known citizen, whose descendants now [that is, in 1873] reside in our city, much respected by all who know them." Bossière must have been a terrifying sort of personage. He was a square, powerfully built man, with jet-black hair, large, dark, piercing eyes, swarthy complexion, and a strangely fierce and savage expression. His manner was abrupt and energetic, and his air bold and domineering. Altogether, one can well believe, a disturbing person to meet and especially to irritate.

Bossière was a native of Baltimore, of French descent, and a seaman by profession. As a boy he shipped on a clipper ship and made several voyages to South America and the Mediterranean.

At a relatively early age he became master of a vessel. In 1827 he managed to be present at the battle of Navarino Bay. It seems that while sailing about the Mediterranean, he received an invitation from the Pasha of Egypt to come over and join him. The Pasha was in great need of ships and resolute men. So he urged Bossière to join the fleet which he was then outfitting to help defend Turkey from an attack threatened by the associated European powers. The bait was a commission and the command of a heavily armed corvette. Bossière assumed an Oriental name, was given a thunderous Oriental title, and sailed away to Navarino, where the great naval battle was in progress at the very moment of his arrival. Bossière's part in the action was not altogether brilliant. He was immediately blown up by an enemy broadside. He himself was badly wounded in the explosion of his vessel, but was lucky enough to be picked up by one of the British ships, taken to England, where he was well treated, and finally sent back to his own country.

We next hear of this adventurous individual in the service of one of the South American nations. There "he took part in many desperate encounters." We would like to have the detail of his biography in these tumultuous years, but the writer whom we are following contents himself with saying that "he greatly distinguished himself", and that "one gets an idea of the man from the number and daring quality of his exploits"—whatever they may have been. At any rate, having arrived at a mature age and feeling that his activities should be curtailed, he made his way to New Orleans and "settled down".

That is, he "settled down" after the Bossière fashion. Other people perhaps would not have called it by that name, for his next exploit was to get mixed up in a conspiracy to rescue the Emperor Napoleon from his rocky prison island of St. Helena. The plot was well laid. A number of Napoleon's old officers when residing in New Orleans were implicated in it. Among them was our old friend General Humbert. It is said that Nicolas Girod, who served as mayor of New Orleans from 1811 to 1816, and welcomed Andrew Jackson into the city when the latter arrived in 1814, built a house in Chartres Street not far from his own, which was to become the home of the Emperor after his escape from St. Helena. There are reasons to believe that a plot for the rescue of Napoleon was incubated somewhere with the knowledge of Napoleon's own immediate entourage if not of the Emperor himself, and it may well be that Bossière's was that plot.

Bossière's part in the scheme was to build, equip, and command the boat which was to fetch the Emperor to New Orleans. Accordingly, he had constructed in a local shipyard, under his personal supervision, a clipper of about 200 tons, which he named the *Seraphine*. He recruited a crew of desperate men, old pirates, and others of the most determined character. Everything was in readiness for the great undertaking, when, three days before the date set for the *Seraphine's* departure, news reached New Orleans of the death of Napoleon. Of course, there was now no need of the voyage. The whole scheme was jettisoned. The *Seraphine* seems to have become by tacit consent the property of old Bossière, and it is she which figured in the peculiar affair which we have set out to recount.

But let our newspaper authority take up the story in his own words:

It was impossible, however, to extinguish in the breast of the old mariner a love of the sea and of naval adventure. But now these passions took the mild form of summer cruises in his yacht along the coast of the Mississippi Sound. Generally accompanied by some of our amateur sailors, who thus pleasantly whiled away their vacation, Captain Bossière's long, low, black, rakish little vessel never failed to attract the attention of passing craft by her great swiftness and the evident skill with which she was managed.

It was the custom of Captain Bossière, whilst sailing in the course of the vessels bound for New Orleans, to board them for the purpose of learning the news, having a little chit-chat with the passengers, and exchanging other usual courtesies between vessels meeting at sea.

Now it happened that on the last cruise ever made by Captain Bossière, he discerned in the distance a large vessel, evidently a passenger packet, bound for the Mississippi. He determined to board her, and, manning his small boat with four of his companions, he proceeded toward the packet. Now some of Captain Bossière's companions on his yacht were of a practically jocular turn, and thought there was much fun in affecting to be bloody pirates, assuming the air and attire of swash-bucklers and freebooters, sometimes in sport running up to the mast head of their yacht the black flag, with the ghastly skull and cross bones—the signal of the genuine pirate. It is not improbable that this terrible symbol was displayed by the yacht on the occasion of the approach of the packet which Captain Bossière had started to board. The sequel will prove, however, that captain, crew and passengers had closely and cautiously observed the movements of the

rakish and suspicious looking little craft, and when the boat of Captain Bossière reached the packet, and the Captain and his companion clambered up her side, in the free and easy style of regular sailors, what was their surprise and horror when, leaping on deck, they were set upon by the whole crew with marlin spikes, sticks and belaying pins, who belabored them with the greatest fury, until the two amateur pirates were reduced to a condition of mangled insensibility. They were then taken below and committed to the care of a surgeon and of some kindly women among the passengers. Meantime the "Anna Maria", which, we believe, was the name of the ship, put on all her sail and made for the mouth of the Mississippi, as if in great fear of pursuit and capture, leaving the boat of the yacht to return to her with the exciting intelligence that the Captain and first mate had been captured and borne away, no doubt into captivity, or in some other mysterious and piratical manner disposed of.

Captain Bossière and his mate, recovering their senses, sought in vain to convince Captain Thompson, of the "Anna Maria", and his officers and passengers that they were not pirates, but peaceful and respectable citizens, who were engaged in a yachting cruise. The Yankee Captain would not listen to their stories. They were evidently desperate pirates. He had seen their pictures and read their descriptions in various authentic books of narratives of piratical villainies. He was sorry they had not finished them, but he would take good care to land them safely in New Orleans, where they would be pretty sure to meet the pirates' doom. Even the kindnesses and humane care extended to the wounded men by some of the passengers were strongly condemned by the Captain. Such bloody villains ought to be left to die without Christian attentions of any sort.

Reaching the city, Captain Bossière immediately dispatched messengers for his friends, informing them that he was badly wounded and held in captivity, and Captain Thompson proceeded to the office of the United States District Attorney to obtain a warrant for the arrest of the pirates. The friends of Bossière hurried to the ship, and were shocked and astounded at his condition and story, and notified the officers and passengers of the terrible blunder they had committed, and that they would be held to a fearful responsibility therefor. They then took possession of the captain and his mate, and bore them to their homes in a carriage, where, after several days of suffering they recovered from their injuries.

Now, Captain Bossière was not of a very meek and submissive nature, and when he had recovered sufficiently from his wounds, he went for Captain Thompson and vengeance. Thompson offered apologies, but Bossière declared he could not pardon his brutality if he might his blunder. His con-

duct towards wounded men, even if they were pirates, was that of a brute and coward. He therefore gave Thompson a fair chance—he could choose his weapons, but meet him he must. Thompson refused, whereupon Bossière sought to arouse his valor by inflicting upon him an insult of the grossest character. Thompson would not resent it. His only mitigating plea was that any man in the world would have been deceived by the piratical appearance and dress of Bossière when he boarded the vessel. Lastly, Bossière brought suit against the captain and owners of the "Anna Maria" for damages done his person and feelings. His counsel was the celebrated John R. Grymes. The suit never came to a conclusion. It was compromised, we believe, by the payment of a considerable sum. In the meantime Thompson fled the city and thus escaped further demonstrations of the irate and wronged Bossière.

It will be seen that our newspaper writer throughout his narrative of the affair, is careful to insist upon the eminent respectability of all the parties concerned. Indeed, we have no authority for questioning that respectability. And yet, no one who knows the peculiar state of affairs that prevailed in New Orleans at about this period but will experience some qualms as to the character of that yachting trip. Somehow, one feels that the episode parallels the story of the *Bolivar* too closely to be altogether innocent. Captain Bossière may not have been a pirate—nay, he may not have been a privateer, or even smuggler—but he certainly was a most indiscreet individual, if he permitted himself to imitate, even in jest, the appearance and manners of the pirate gentry. And if he was not jesting—well, the reader has all the facts before him, and can make up his mind for himself.

Alas, that so thrilling a life as Captain Bossière's should have come to an inadequate close. It was in 1854. The old mariner took offense at something printed in the New Orleans *Courier*, and went around to the office of that journal, on Camp Street near Poydras, with the intention of "cleaning out that blank dashed kennel, sir!" But one of the editors, Vernon by name, beat him to the trigger. When the smoke cleared away and the battle was over, Bossière was found weltering in the blood that poured from a wound in his chest. He was taken home to his family, and there, after a few days of suffering, he passed away. That was no way for him to die. He ought to have perished on his own quarter-deck, enveloped in the sulphurous vapors of burning powder, with a tempest howling through the shot-torn rigging

of his doomed ship, and perhaps the Jolly Roger flapping from a tottering mast. That would have been in keeping, would it not? But to perish in a commonplace brawl! Fate certainly plays us some scurvy tricks!

✓ THE GENESIS OF GERMANTOWN, LOUISIANA:

or

THE MYSTERIOUS PAST OF LOUISIANA'S MYSTIC,
COUNT DE LEON

By KARL J. R. ARNDT

I.

When B. M. Hulse wrote his history of Claiborne Parish¹ he considered the history of Germantown, Louisiana, worthy of a special chapter. Had he known about some of the manuscript material concerning the history of the persons living there, he would certainly have written a book about it. In spite of his special interest in the place, however, he was not able to solve the mystery of Count de Leon's past, which was also the past of those who followed the Count. Hulse's kind words about the noble character of this man and his followers later also attracted the interest of that man who probably knew most about the history of Germans in Louisiana, viz. J. Hanno Deiler. Deiler's spirit of research did not rest until he found some very valuable information about life in the Germantown settlement.² By a favorable turn of fortune Deiler, while he was resting at Hot Springs, Arkansas, met the man who had married the Count's daughter. But even this personal touch was not sufficient to give him any real answer to the question of the Count's mysterious past. The Count's daughter had left the colony years before and her husband had never lived in it. And since the location of Germantown made the place comparatively inaccessible for a man of Deiler's type, he was forced to be satisfied with incomplete information. A personal visit to the colony would probably have provided access to a considerable number of highly interesting German documents, many of which have since disappeared or been destroyed. As matters went Deiler was forced to conclude his interesting report on the colony with the opinion that the mystery of the Count will probably never be solved.

¹ D. W. Harris and B. M. Hulse: *The History of Claiborne Parish, La.* New Orleans, 1886.
² J. Hanno Deiler: *Eine vergessene deutsche Kolonie.* New Orleans, 1900. (Pamphlet.)



DESERTED CABINS OF THE GERMANTOWN SETTLERS
Taken in 1940 by Arndt.

The wide extent of the interest in this first Louisiana Share-Our-Wealth community may be judged from the fact that the tourist guide, *Know Louisiana*, calls attention to the place in the following words:

Germantown, eight miles north-east of Minden on the old military road, was founded on a grant of several thousand acres from President Jackson to the Countess of Leon, widow of Count von Leon, a German exiled from his native country for his socialistic ideas. Germantown was founded in 1835 and for many years operated as a socialistic colony, one of the first in this country.³

An examination will reveal that this convenient description simply hands on the most significant facts given by Hulse and Deiler. Recent investigation at Washington shows no record of the reported grant of land,⁴ while records in my own possession show that the followers of Leon bought land near Minden at about the time the colony was founded there. In this particular paper, however, I am concerned with a clarification of the Count's

³ *Know Louisiana* (A Tourist Guide to Points of General and Historic Interest), published at Baton Rouge during governorship of O. K. Allen, page 79.

⁴ On basis of an examination by the General Land Office of the Department of Interior, November 13, 1940.



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background and, therefore, also with determination of the causes which brought him here. With that in mind I shall present information I have gathered from various German manuscripts now in my possession.

Three different sources have handed down three different versions of Leon's birth. The *Frankfurter Journal*⁵ claimed that Count Leon actually was Bernhard Müller, legitimate son of Adam Müller and Helen Balzer of Kostheim near Mainz; the *Gartenlaube*⁶ that he was the illegitimate son of Helen Balzer by Karl Theodor von Dalberg, the Prime Minister of Napoleon's Rhine Confederation. Count Leon himself is authority for the third version of his birth.

According to an ancient prophecy the house of Este in Italy, which on the paternal side descended from the house of Juda and on the maternal from Joseph, was to bring forth the great reformer and reorganizer of church and state throughout the world. This prophecy was fulfilled on March 21, 1788, a Good Friday, when Maximilian Bernhard Lewis—the later Count Leon—was born previous to a twin sister, who later became the third wife of Kaiser Franz of Austria. His birth, he claims, is

⁵ *Frankfurter Journal*, November 8, 1832.

⁶ *Die Gartenlaube*, No. 21, 329-332; No. 22, 344-347 (1867). This article speaks of Leon as "Duke of Jerusalem."



DESERTED CABINS OF THE GERMANTOWN SETTLERS
• Taken in 1940 by Arndt.

mentioned only in genealogical books because certain persons, out of fear of fulfilment of the prophecy, took him from his mother a few hours after his birth and left him in the cottage of a peasant. From there he was stolen, and through the mediation of the house of Dalberg brought to Kostheim and there entrusted to the care of Müller's widow, Helen. In support of this story he quotes Dalberg himself, refers to the complete absence of any record of his birth at Kostheim, and states that Helen could scarcely have been his mother when records show that she was forty-three years old and a widow at the time of his birth. In the course of the wars which swept through Kostheim and over Germany in his youth, he became separated from his foster parents and had to learn to care for himself, but in all this he sees the guiding hand of God, who was preparing him for his great mission.⁷

The first public indication of this mission is found in a note which Leon, in 1810, addressed to Napoleon. Therein he prophesied Napoleon's downfall and destruction, that is, if he would not repent. This note was signed Bernhard Müller but did not state that the author's twin sister was Napoleon's mother-in-law. Instead of doing penance, however, Napoleon put a price on Leon's head and thus forced him into hiding. When his prophecies were fulfilled in 1812, Leon-Müller felt himself strengthened as a prophet, but it was not until 1816 that he again became a public figure.

It must be kept in mind that Germany since the turn of the century had been full of speculation about the beginning of the millennium, that early league-of-nations dream of a period of peace when for a thousand years God's own messenger would rule the world in justice. The French Revolution, Napoleon's rise and fall, the pressing political conditions in Germany, and the secularization of the church—all helped provide a natural basis for the renewal of this pleasant dream. Books on prophecies, revelations, spiritualism, somnambulism, and magnetism filled the market. Jung Stilling was publishing his speculations about the millennium in such works as *Der Graue Mann* (*The Grey Man*) and *Taschenbuch für Freunde des Christenthums* (*Annual for the Friends of Christianity*). And Justinus Kerner had shown his interest in the mysticism of the day by writing his

⁷ A full discussion of the question written by Dr. Göntgen is in my collection of manuscripts dealing with Leon.

Seherin von Prevorst, which he subtitled: *Eröffnungen über das innere Leben des Menschen und über das Hereinragen einer Geisterwelt in die unsere* (*Revelations concerning the inner life of man and concerning the penetration of a spirit world into our own*).

As is evident from a letter written later by Leon to King Ludwig I of Bavaria, it was the appearance of works of that kind and above all the formation of the Holy Alliance which inspired two priests at Würzburg in 1816 to preach a series of far-reaching sermons announcing the impending judgment and dawn of the millennium. These sermons started a movement which threatened to result in serious consequences for state and church, and this movement, although apparently suppressed, continued to exist for about half a century. And in the beginning of this movement we also find our first most important record of Count Leon's activity. Under the name of Bernhardus Müller he is discovered to be its leading spirit. All this is revealed in a German manuscript which I recently discovered and which I shall next present in full in my translation. Since it is the most important connecting link in our story of Count Leon it must be read in full before I present the remainder of this sketch.

Since the manuscript is written by an eyewitness, and since the main facts are supported by other information I have been able to obtain, this manuscript seems to be highly authentic. I have not been able to discover a published copy of it, and in view of the situation in Europe at that time it seems doubtful whether a work of this sort was printed. The first page bears the inscription:

Description of the sermons held in the year 1816-17 in Würzburg by the now imprisoned Augustinian Father Johannes, and of the confirming declarations made by his friends in this respect, and then of the investigations launched against these sermons, the treatments accorded and the judgments rendered etc.—By a truthloving observer. Written at Würzburg, 1826.

Through internal evidence I will probably be able to determine the authorship later, provided bombs do not fall in the areas concerned. From evidence in my possession, however, one rather good guess can be made. Philipp Umminger, who was the man through whom Göntgen, the Count's secretary, corres-

ponded with persons around Würzburg, joined the Louisiana colony in 1836. After his arrival here Father Johannes wrote to him in a manner which would support my view that he wrote the manuscript.

II.

TEXT OF MANUSCRIPT

In our day probably no sermons have caused such a sensation as those of the Augustinian Father Johannes in the year 1816. However, it is probably also true that no sermons, neither in our time nor in previous times, were of such serious character as those. They pointed to an event which, upon its realization, would have an influence, and a very happy influence, on entire Christendom, yes on all humanity. Much was said and written at that time about the event described and pictured in these six sermons, but although the same was to bring happy results for men, persons did not write or speak anything in their favor but much against them. People took a stand not only against the preacher and the persons working with him, but also against the event described to us Christians as the truth. The cause of opposition for the greater part probably was to be found in the demands made, which were so contrary to the degenerate spirit of the times; for penance, change of heart and true repentance were demanded.

Because I had the opportunity to observe all of this exactly, and, therefore, to recognize the true essence of this matter, I also find myself persuaded to give an unbiased but true description of the persons mentioned, of their actions, and of the actions against them.

The persons about whom I will speak especially are the following:

a. *Bernhardus Müller*, from Kostheim near Mainz. He is not a regularly consecrated priest; however, he claims to be an extraordinary consecrated priest of the Lord. Further below I will have opportunity to say a number of things about this man.

b. *Johannes Hoos*, the son of a miller near Aub. As I have discovered from unbiased reports (reports of a merchant from Aub, who went to school with Johannes) he already in early youth, took much pleasure in studying foreign languages, especially Italian; however, he did not have the opportunity to continue

his studies, and for that reason learned the blacksmith trade. As blacksmith he went abroad and on his journeys also came to Rome.

Since he felt a great urge to become one of the clergy, he there became an Augustinian lay brother. Later, however, he felt himself strongly driven to become a priest. Since this was not permitted him in Rome, for the reason that the statutes did not allow the order to accept a lay brother as a priest, he requested permission to return to his fatherland, a request which was granted. With a good recommendation from the Roman monastery he was accepted temporarily as a lay brother by the local Augustinian monastery. But since he could not resist the urge to become a priest and because the administrators of the local monastery would likewise not help him obtain this honor, for the same reason as that stated in Rome, he requested permission to leave the monastery for a time so that he might study privately, and asked whether they would accept him as priest as soon as he would be prepared. He was finally permitted to do this.

After this he went home, and in his father's house devoted all his efforts to study. Through the efforts of the priest living at Aub at that time and his assistant, and through his own unceasing industry he succeeded after a period of two years in passing an examination given here by the bishop (*Weihbischof*) Fahrmann. Having been found capable he was consecrated a priest and as such returned to his monastery. The bishop (*Weihbischof*) added to his approval the remark that Father Johannes by his untiring industry would soon make up for whatever he may still lack.

Father Johannes continued his studies in the monastery with great zeal and was soon found qualified to be named a preacher.

c. *Augustin Röllinger*, the son of a physician from Hammelburg, after completing his studies entered the order of Saint Augustin. He always lived in sincere friendship with Father Johannes, and both were known as zealous priests. Father Augustin during the last part of his residence in the monastery held the position of *Procurator* and organist. While Father Johannes was being tried by the see⁸ on account of his last sermons, Father Augustin also preached once and in that sermon confirmed all that as the truth which Father Johannes had expressed in his six

⁸ The term used in the original is *Vicariat*. There seems to be no exact English equivalent in fact or name.

sermons. In doing so he declared that he was in agreement with Father Johannes about those things, and in this way gave occasion for his own arrest soon after.

The two Augustinians named here, who have now been in prison for nine years already, I knew as legitimate priests. Already a year before those sermons were preached which were found unacceptable, I had twice, either on occasion or by chance, spoken with Father Johannes; however, at that time he did not say a word to me of that which he had probably then already planned to present on the pulpit. The following year, 1816, I then heard his sermons for which he was called to account. What I learned about Father Johannes during my personal acquaintance with him, for I did speak with him three times since his last six sermons, and what I found out about him from others confirmed by views of him, strengthened me in my good opinion of him and drew me closer to him. These points were:

1. The religious, pious sentiment and the zeal of this man according to the teachings of Jesus to reclaim for the way of salvation those men who had strayed from the truth of the gospel. However tireless he was in the pulpit and in the confessional, and however severe he was toward himself, he was considerate and kind toward everyone. And then

2. His resignation to God and his willingness to bear all disgrace and contempt patiently for Christ's sake. But he needed these attributes, for after his second sermon already he heard great objections. Upon occasion I kindly informed him that he would not fare well, and that he would soon be interrupted in his pious plans. Father Johannes replied to me: "All that I have known in advance. It will even become worse. The time will even come that we will be despised and condemned as the worst men; and not only we of the clergy but also those who have befriended us and who believe our words will have to endure contempt and mockery." Father Johannes even advised me to withdraw in case I should not feel strong enough to be able to endure such things. At that time I could scarcely imagine that a person should have to suffer contempt for listening to God's word and for the sake of acquaintance with such pious and zealous clergymen. He, however, asserted that a persecution would develop against them which would be similar to that during the days when the Church of Christ was originating; of course, no blood would be shed as at that time; however, he was ready to give his life for the truth of his statements.

Hereupon I asked him: "The clergymen will certainly be eager to acquaint themselves with these matters, and will assist you?" Father Johannes replied to me: "No, to the contrary, for a great part of the clergy will belong to my worst enemies. That which I am preaching they will consider an innovation or even as sectarian, and they will express themselves against it. Even my brothers in the order, Father Augustin excepted, will in the end be against me."

These words upset me considerably and I told him that since a general conversion was to take place it would be necessary that the clergy would agree with him.

"Clergymen will also assist", Father Johannes replied, "but only a few of those who are now already allocated, for most are satisfied with their present fate. Young people, however, those who will come later and who are now still attending boy's school, will be inspired by the Spirit of God to become instruments of the Lord". I must admit that I could not agree with Father Johannes in this remark, for I had greater confidence in the clergy. And

3. The freedom and fearlessness with which these men, especially Father Johannes, at that time expressed themselves in the pulpit seemed noteworthy. During the six sermons the church was always overfilled with partly curious and partly pious persons; however, from other sources one also heard great objections. Father Johannes expressed himself about this in his next sermon in the following manner: "I know that a part of the local population is already speaking against me. This does not surprise me, for my sermons treat a subject of which those people have never had an idea. It grieves me, however, that my words are being misquoted. People are saying that I have announced the day of judgment—that is not true, but I do say that we are awaiting the happiest period of the Church that Christ has promised, and toward which the apostles already looked with longing. My statement accordingly is no idea invented by me, but what I am preaching as truth is an evangelical truth supported by all Holy Scripture. To announce this condition and to preach repentance I have a higher calling. However, men who are only sensuous want to hear nothing of repentance and improvement, hence the objections. But in spite of all objections I will have to be allowed time enough to say all that is necessary, time till I myself declare that I have no more to say about this subject."

Thus he spoke, as far as I can remember, in the third of his aforementioned six sermons, and this really took place punctually, for in his sixth sermon, which was given two months later because his sermons did not fall on every Sunday, he declared that he had now said that which had been necessary and that whoever had been able to grasp it and believed it as the truth should keep it in his heart. However, if one or the other timid soul should be tempted by doubts that he might run danger of harming his eternal salvation by believing in his words, to such he would vouch himself and his priestly dignity and his own salvation that no one thereby would take the least harm. Whoever could not believe at all that his sermons were the truth, that person should let time pass and he would convince himself of the truth etc.

A few days later this preacher was ordered to appear before the episcopal see where he had to answer for his sermons. Father Johannes was tried twice. After the first trial I spoke with him and he expressed the hope that the see would recognize his lectures as truth; when I spoke to him after the second trial, however, he told me that most members of the see had declared themselves against him. They demanded of him that he confirm the truth of his lectures by miracles. To that he answered that for the present it was merely his calling to announce this condition and to preach repentance; however, they would one day see miracles enough, more than they wished. At the conclusion of the trial Father John was to sign the protocol. As he was about to do this one of the spiritual councilors interrupted him with the question whether he had consulted with his physician, and whether his brain was really in order? Father Johannes answered: "After in six sermons I have said all that I was to say according to my calling and thereby have made many willing to improve their life and to walk according to their Christian duty, for all of which four months' time has been granted me, after this am I to be called a fool?"—He then took the pen and signed the protocol.

But the see condemned as unacceptable the sermons of Father Johannes as well as the entire presentation; yes, it demanded that these two Augustinians as sons of the Church should submit and recant their sermons. Since they did not do this no more was said to them by the see about those lectures. So matters stood when I visited Father Johannes the last time. He told me that he had also sent the see a written explanation—I later read

a copy of it; it was very peculiar and impressive—but he now no longer had any hopes that it would listen to him. On the contrary, he was prepared for everything; that is, prepared to go to prison, as he had told me earlier that this would be his fate. Father Johannes had such a strong premonition of his arrest that during my presence he assured me that he now was not safe an hour longer. Whenever anyone came to his door he was prepared to be taken away. In this, however, he was as comfortable as though he was to be taken away to a joyous festival. His premonition was justified, for around two o'clock in the afternoon when I took leave of him he said: "It will take a long time now until we see each other again. If you have recognized my sermons as truth, then trust God, lead a pious life, and take no offence, no matter what may happen to me, for the trials will become very hard" etc.—After two o'clock I left him and in the evening at eight o'clock he was taken away.

The next day he was treated as a disobedient clergyman, declared unfit, until he would recant, for the performance of ecclesiastical duties; he was not only removed from the confessional and the pulpit but he was also forbidden to read masses, and after this he was taken to the monastery at Miennenstadt and imprisoned there. His friend, Father Augustin, later met the same fate. Most people expressed themselves favorably about this action. "That's right", people said, "for they are disobedient, stubborn clergymen, they would be wiser than all ecclesiastical councilors, it is obstinacy that they will not give in" etc. I must admit that this circumstance hurt me a great deal. I had anticipated that a general conversion and improvement of men would begin and continue at once, and now I had to see the entire matter interrupted suddenly and seemingly destroyed. But the words of my friend, Father Johannes, came to mind again when he said that he would take all trouble to convince the see of the truth of his lectures, but that he knew in advance that all would be in vain. They would even demand of him that he recant, but if he wished to keep the peace of his conscience he would not be able to follow such an order, even though it cost him his temporal life, for it was not his affair which he was presenting but God's affair.

But it pained me even more when soon after, during the period of persecution of these men, I heard insults and condemnations heaped on them from pulpits in places dedicated to God. In

several churches sermons were preached against these Augustinians. They were condemned as fanatics and as sectarians who preached a new doctrine, as fools and revellers who deserved to be cast out of the Christian congregation; and all this was done without knowledge of the facts, on the basis of mere rumor, without knowledge or will of the government, and that by messengers of peace in a place in which one ought only hear the word of love and harmony, and in general only edifying truths. In order to make the people especially bitter against these Augustinians, they even took refuge to inventions that looked probable. Once a pensioned clergyman fought against these men and their lectures with all his heart using these words: "The Holy Father in Rome is weeping the bitterest tears over the folly of these two Augustinians."

Later I asked a Roman clergyman who was spending some time here whether it was true that the Pope grieved about this; however, he assured me of the opposite. I will mention the conversation with this clergyman again. Once I also asked a local clergyman whether the clergy had orders to preach against the aforementioned Augustinians and their lectures. This man replied: "No, and because I have no order, I cannot make up my mind to preach against them."

Since the truths of the gospel have always attracted me a great deal, I examined that which Father Johannes had preached partly myself, as far as that was possible, and partly I consulted such theologians as were known to me as men well founded in the doctrine of salvation. And to my joy I received the reply from several that we, of course, had reason to expect such a condition of elevation in the Church of Christ. On the occasion of a visit with my relatives on the Rhine at that time I also visited a clergyman known to me who is recognized generally as a respectable theologian. At that time he was priest and Vicar-general and at present is with dignity holding the office of a bishop. (Bishop v. Hommer in Trier). It meant a great deal to me to hear the opinion of this man, so I spoke with him about the sermons of Father Johannes and asked him whether he found such a condition verified in Holy Scripture and whether, therefore, it was not a Christian's duty faithfully to await such a condition. He replied to me that this was above all doubt and added that, as far as he was concerned, he had never doubted it, that only the time when that happy condition of the church

would begin was not known to him. If, therefore, those clergymen had expressed themselves more specifically about this subject, then this must have been the result of higher revelation, a thing which he, however, could not judge. But in consideration of that which we had experienced and noticed for several years, he, too, held the opinion that this great event was approaching. When I told him that many people and even clergymen here could not understand how such a condition could come into existence, he replied that whoever could not grasp that should await the time, then he will see how God is able to arrange it. It was probably during the year 1818-19 that I spoke with the already mentioned Roman clergyman, who at that time was living here for two months; as well as I can recall his name was "Franz Armand". This man inquired about everything that had been done through and with the arrested Augustinians. He liked to speak with men of both sides, with those who were for as well as with those who were against. He even told me that he did this deliberately, "For", he remarked, "if I speak with both parties I can best discover the truth." I asked what he thought of the entire matter. (This question seemed quite welcome to him.) He replied that if nothing evil were being accomplished thereby, then it was also not to be condemned, for not only he but also the Holy Father (Pius VII) was of the opinion that we were not far distant from the period of the elevation of the Church of Christ, and the Pope was looking forward to this time with longing, etc. That clergyman also said that in his opinion one should not have hindered Father Johannes in his sermons but that through the government care should have been taken that nothing harmful would come to pass among the people due to misunderstanding.

The main thoughts of the sermons because of which Father Johannes was called to account were the following.

He explained how, according to the will and in the spirit of Jesus Christ and in general in the spirit of Christianity, the walk of all Christians should have been through all times, and he then described very circumspectly and according to the truth the lamentable deviation from the doctrine of salvation. He also explained that we were living in a great period, in the period in which the promise that there should be one shepherd and one flock, as contained in Holy Scripture, would be fulfilled. God the Almighty would bring it to pass that in the Church of Christ all

disagreement and all errors would cease, that all parties would unite in one congregation for a united worship of God, and that the Christian Church would reach the highest stage of perfection and holiness. He said that this condition was also called the completed Kingdom of Jesus Christ on this earth, to which the apostles of the Lord already had looked forward with heartfelt joy. Father Johannes then explained that a fortunate change would come over the entire human race. He, of course, did not designate the time exactly when all this was to happen, but he said that it would occur in our time. The demands he made of Christians were no other than those which the church throughout all time has made of its children, who are inclined more to sin than to life in God. This means that whoever wished to have a part in that happy condition, be he emperor or king, master or servant, rich or poor, would have to repent with all his heart to Christ, would have to conform entirely to the doctrine of the gospel. He would have to purge himself of all his sins with the means of salvation prescribed by the church and would then have to guard against new transgression. In order now to be directed to such a repentance and change of heart we would be visited with great trials and to this end great political and natural events would occur, such as revolution against the lawful ruler in several lands, a remark which later led to the suspicion that this preacher and his friends planned sedition. There would also be scarcity, famine, violent and shocking thunderstorms, earthquakes, war and many horrible events, etc. And all this he related as confidently as though he saw such events before him in their true form.

And these sermons were not without effect. One noticed that among the people in the city and in the country a quick change of heart and improvement of life had taken place. Those Christians who had gone astray in part commenced to live a truly evangelical life. One and the other from the refined classes came like Nicodemus at night in order to investigate the contents of the pulpit lectures, and to observe what might be seen in this connection. The demands to walk according to the gospel in the spirit of Jesus Christ, etc., of course, were rather bitter conditions for many a person inclined to be physical, but now and then the demands were kindly received.

But when, after the conclusion of the sermons, the matter took a different turn, when the see condemned the entire affair

and when even the preachers in the pulpit declared their opposition, then, with few exceptions, everyone withdrew again. And especially when the news came that also in Austria a priest named Pöschel⁹ had held similar sermons, through which a horrible sect had been formed which already had degenerated so far that it was even introducing human sacrifice, and similar nonsense.

That such rumors, however, were nothing but slander was proved by the statement of the archbishop of Vienna, who had tried the priest Pöschel and had found nothing about him that was contrary to Christianity. Public newspapers later published this information. And when here too the name *Pöschelianer*¹⁰ was used, although neither Father Johannes nor anyone else from here had any communications with that Pöschel and aside from this rumor had not even heard anything about him, and when finally it was said that the *Pöschelianer* here too wanted to sacrifice men, yes, then the reins were dropped on persecution as on a wild horse. Only here and there remained an humble, pious soul who had found a pearl for eternity in this matter and who thought of the imprisoned clergymen with holy feelings, but who did not reveal these for fear of insult. The rumor that the *Pöschelianer* wished to sacrifice human beings spread so much that the Director of the Royal Police felt impelled to summon the son of a vinegar-maker, about whom I will say more below, and asked him whether he was satisfied that he was to be sacrificed. This was done because the rumor had spread that the vinegar-maker wanted to sacrifice his son and his daughter. The young man replied: "I know nothing about it, and who would be so ignorant as to believe such silly gossip." Through these false rumors persecution was intensified to such a degree that people publicly insulted all those whom they felt in the least bit justified to call *Pöschelianer*. Induced by pure imagination and guesses, false and malicious accusations were brought to the police, whereby these persecuted men became increasingly suspicious in the eyes of the government. The police subsequently forbade them to meet with each other, yes they even prohibited them from speaking with each other.

⁹ Thomas Pöschel considered himself the instrument chosen by God to convert the Jews. His ideas had a wide range of influence. After a time he was taken into custody, where he became insane.

¹⁰ I.e., a follower of Pöschel. Contemporary equivalents: *fifth columnist, economic royalist, Nazi, Communist*.

In this region during that time, and later throughout Germany, horrible fires broke out again and again. The friends of Father Johannes were said to be guilty of these too. No other explanation was heard but this: "The *Pöschelianer* are doing that." In spite of their blameless life people unblushingly called these persons "incendiaries" and the like. Briefly, in the word *Pöschelianer* all accusations and insults were contained. And to tell the absolute truth I must say that these persons bore all this with patience and suffered it for Christ's sake.

Recognizing the necessity of an improved generation I was so impelled by the lectures of Father Johannes that despite those calumnies I took all pain to familiarize myself completely with the contents of the aforementioned lectures. Thereby I was put into a position enabling me to become intimately acquainted with the essence of this subject; and throughout I recognized nothing but a strictly religious tendency. In this way I also found that the life of those men was not only without blame but that it was ordered according to strict Christian duty. For that reason it hurt me very much that those guileless persons were considered dangerous and that they were treated accordingly. This also impelled me, when I was called to account for acquaintance with Father Johannes, to declare solemnly and with my life to vouch for the fact that these despised persons who were under evil suspicion would be incapable of an evil deed as long as they followed the teachings of Father Johannes, and that the government need not fear the least bit of evil from them. And this I had written into the record.

In order that I may report the one as well as the other I must also admit, of course with great regret, that the subject of the sermons of Father Johannes later degenerated into fanaticism in the case of a man of very shallow mind. A local man was so moved by the sermons of Father Johannes, and felt himself so induced to improvement of his life, that he began his conversion with greatest earnest. This man, who, by the way, was a highly respected citizen, had formerly led a very dissolute life in military and civil service, a fact which he related to every acquaintance after his conversion. Father Johannes' sermons on repentance had such a powerful effect on his long dormant conscience that he was shocked through and through by them. He now wanted to

change in all seriousness. He sought to cleanse himself of his sins by penance and also wanted to follow the admonition of the preacher urging him to lead a pious life also after leaving his path of sin. But the transition from the path of vice to the path of Christ was regulated too little. Formerly he was dissolute to the extreme, so he also began his conversion and piety according to his own ideas. This piety, however, built on a wrong foundation was excessive and degenerated into fanaticism. The Augustinians had not taught him that, but they could not advise him now either, for they already were in prison. And he would accept advice from no other person. And when Father Johannes found opportunity to advise him by letter his insanity had already developed to such a degree that he no longer allowed himself to be corrected. This man committed such awful follies, which he looked upon as religious activity, that they would cause any rational person to revolt.

The imprisoned Augustinians were greatly grieved by this, for their well meant instruction was distorted by such extreme behavior and the fruits of the same hindered. As soon as Father Johannes found an opportunity he wrote to me in the following words: "Have the kindness to admonish the vinegar-maker in my name that he may lead a sensible, pious, Christian life. Tell him that he must observe nothing but that which every Christian is obliged to do. I write this with tears, for this man is causing us great distortion and hindrance, etc."

According to Father Johannes' wish I admonished that man, but it was in vain. He replied: "I must know better about that. I was a great sinner, must therefore also be a great repenter." After this Father Johannes himself wrote to him, but also that was of no avail; in all religious actions which were to be considered works of penance he was extreme. The police authorities had much trouble with this man and had to adjust several offensive things with him. For several months he was kept under arrest by the police and later brought to a hospital as an insane person. At present, because he still at times acts insanely, his wife watches him closely and does not allow him to go out among people. The imprisoned Augustinians were probably happy that this man was withdrawn from human society, for nothing but offence could be expected from him. Yet, in spite of such distortion and uncontrolled piety nothing evil was caused by this.

Only for the imprisoned clergymen such distortions were disadvantageous because from this conclusions were drawn about the whole.

Because, as far as I was concerned, I had in mind in all of this only that which was true and useful for time and eternity, I was moved to further investigation of the aforementioned lectures even during the time that these men were being held. I did this especially because I was assured by several dignified clergymen that such a condition was to be expected. I was moved to do this all the more because Father Johannes had so definitely foretold his fate, viz. that he would be arrested, dragged from one prison to another, and finally brought into such strict imprisonment that even his most intimate friends would be able to discover nothing about him, and that he would probably have to remain in such imprisonment until God through extraordinary means would bring to light the truth of his lectures. Because later that said by the preachers was in part soon fulfilled, and because I found nothing in the least suspicious neither in the teachings nor in the actions of these clergymen, I found it entirely proper that I should not declare myself against these men in hostile manner, as most people had done, but that I allowed myself to be persuaded, in keeping with my natural willingness to be of service, to exchange several friendly letters with them. These letters were delivered by the guard, but they contained nothing culpable and nothing questionable, and were nothing but evidence of Christian friendship. The adjutant, who is now dead, felt himself duty-bound to read those letters each time before they were delivered. Through this innocent and harmless correspondence and even also through my acquaintance with Father Johannes I twice had to suffer a strict investigation at the hands of the royal police authorities. The first time in 1817 I was called up and tried because my acquaintance with Father Johannes had been reported. At that time the result of the trial was: my behavior was not punishable, for hearing sermons was not forbidden, and a person was permitted to believe whatever he liked in the sermons.

In the year 1822, however, there was another investigation, and because at this time correspondence had been found, and because someone had also reported that through my hand financial support had been sent to Bernhardus in Mainz by the brethren

of Father Johannes, I was at the close of that investigation denied all communication and all correspondence with the men in question. Although in my actions I never had any culpable intentions, and although through that acquaintance I by no means felt myself disturbed as a Christian in my conscience, nevertheless I have obeyed that police order. But formerly I found neither the one nor the other wrong, for my behavior was innocent, and no prohibition against it existed.

Even the sending of money, which the police authorities found culpable, was done in innocence, for in doing so I believed to be carrying out a Christian action. Johannes once wrote me from the fort¹¹ that the investigation would now be brought to an end; he and Father Augustin would be brought into a monastery and friend Bernhardus would be taken to his home town, but the latter would soon be set free. Since at the beginning his relatives would be against him it would be good for him to receive financial support from here until he had brought about an understanding with his relatives. This money would be brought together by his brethren and I should send it to Bernhardus. Since I still respected Father Johannes as my friend I did this out of Christian friendship.

Since I have made up my mind to give a faithful rendition of the history of this much discussed subject, I feel obliged to say a few things about the above-mentioned Bernhardus Müller. This man at that time lived here for some time, from 1815-1817. With regard to the elevation of the Christian church Bernhardus had the same views as Father Johannes and Father Augustin.

I do not find myself qualified so say much about this man, for his presence at that time during the sermons of Father Johannes was still unknown to me, and first when they arrested him I received definite news of his presence here. On the other hand I have heard from several persons who knew him here personally that one must know him personally in order to appreciate him. Whoever found opportunity for this esteemed him. For the rest of the world, however, he was a riddle and therefore an object of offense. This much I do know definitely: Father Johannes and Augustin treated him with distinction and with all respect.

¹¹ This is the old fort which overlooks Würzburg. It has played an important part in German history.

Bernhardus presents himself as an organ extraordinary, or as messenger of the divine (archshepherd) shepherd of shepherds. Father Johannes and Augustin have recognized him as such messenger, they respect and honor him as such, and will give him testimony as such at any time. Father Johannes asserts that this Bernhardus was shown to him as a child in a vision already in Rome, where he was a lay brother. At that time he was told by a heavenly being that some day he would have a great deal to do with this child, but in the same vision it also was demanded of him that from that time on he must prove himself in the strictest sense as a servant of God. From that time on he felt himself especially driven to become a priest.

Father Johannes also claims that this Bernhardus after several years was shown to him in visions at different times and in different clothes; however, the meaning of this at that time had been unknown to him. But when Bernhardus in the year 1815 came to him personally, he not only recognized him by the previous visions, but he also discovered the true meaning of those events through him. With this, then, Father Johannes reveals that in the matter discussed Bernhardus really is the chief person.

These visions, however, which Father Johannes told his intimate friends only because they were interwoven with his history and because they served him as proofs of recognition of Bernhardus gave offense to some and aroused mockery in other persons who heard about them. "They claim to have had visions, the fanatics", the people said. Yes, people laughed about it and derided it. But since, in view of the pious life of Father Johannes and in consideration of the fact that he in the pulpit had vouched for the truths of those statements with his priestly office and his own salvation, I had to place full faith in his statements about the visions. The judgment of men did not upset me, but I thought that visions are possible, for if we go back to old and recent times we find that God revealed himself to his servants in such manner whenever he considered it necessary. And why should he not do it now also? If we furthermore accept the probability, I thought, that the Lord chooses special instruments with whom he wants to achieve special things in his church, then it is even necessary that he convinces these instruments by revelations in order that they may work with confidence, fearlessly, and therefore without fear of men.

But now the objection is made to Father Johannes that he lacked the necessary training for such perception, for he never studied at any public institution but only privately and in the monastery. "What does such a blacksmith want?" I often heard people say, "A man who has had no formal education? If the Lord God wants to achieve such a great thing he has learned men at his disposal and does not need the Augustinian Johannes for this." Father Johannes had experienced such objections already during the course of his sermons, for he answered them in the pulpit with the following words: "People accuse me that I lack scholarship. I will offer no objection to that for I am not boasting of my learning either, and I am just as far removed from saying that the same moved me to preach my sermons. It is my calling, and I am preaching these sermons not according to my will but in obedience to the will of God." The accusation that he lacks proper training can, however, not be made in the case of Father Augustin, for he has obtained regular training and yet is in complete agreement with the views of Father Johannes with regard to the affairs of the church. He also defends the calling of Bernhardus just as definitely as Father Johannes.

In Baden, too, there was a priest, named Hofer, a dignified man, already advanced in years, who formerly already had been intimately acquainted with Bernhardus, and who likewise recognized his calling and defended it, but who lost his position for this reason. During the investigations he was held in the Franciscan monastery at Bischofsheim on the Tauber, and after completion of the investigation he was pensioned.

In every respect it is remarkable that these two Augustinians, after they have been separated for nine years and now for a long time have heard nothing of each other, and as is said, are repeatedly admonished individually to give up the aforementioned teachings with the promise that they would be permitted to return to their monastery if they did so,—in view of all this, it is remarkable that they still as nine years ago have remained faithful to their convictions.

After Bernhardus during the first period of his presence here (1815) was completely in agreement with the mentioned clergymen, and since for his learning and dignity as priest had



View of Würzburg. Leon's movement began here and ended in Louisiana. During his first trial he and his fellow workers were kept prisoners in the "Festung" (fort) shown in the upper right corner.

By Courtesy of German Library of Information, New York.

much confidence in bishop¹² Zirkel, he communicated with him and asked whether he did not wish to confer with him about the known church affair. The bishop said that he did not wish to work against these men, but he declined to confer with them and remarked that he in his position for good reasons could not decide to do so.

When Bernhardus later, in 1817, already as prisoner, was in the fort, and while the investigations were being conducted by the civil authorities, he requested these authorities to see to it that bishop Zirkel would come to see him at the fort, for he hoped at last to find him inclined to be sympathetic.

The bishop really did drive to the fort, I believe twice. But the report which the bishop gave to the government about this discussion is supposed to have said:

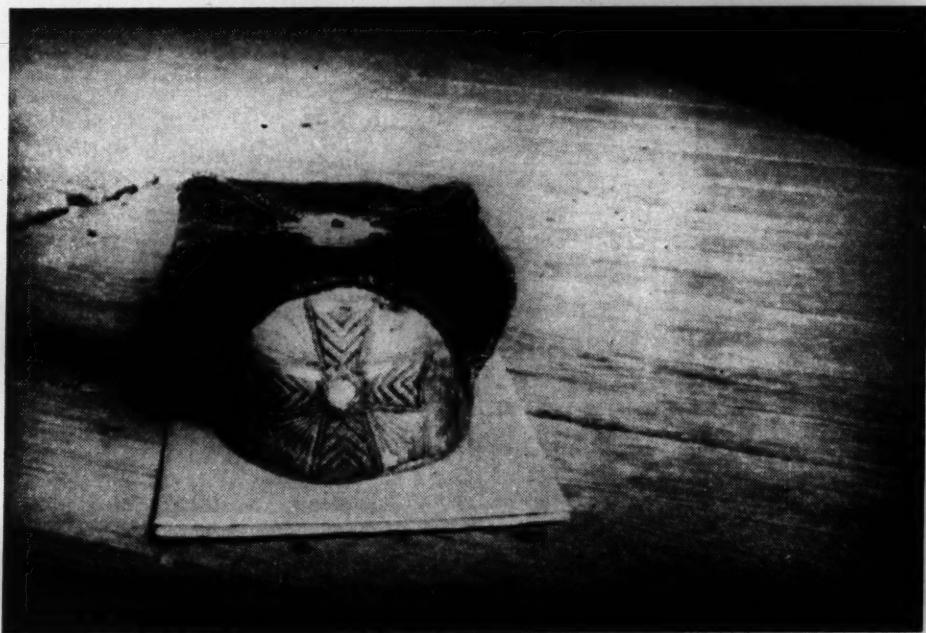
Bernhardus' representations are of no other but religious content, but since he held no conviction of the truth of this matter he could not agree with it and could not defend it. The discussion of these two men was described to me by a clergyman who had spoken to the bishop immediately thereafter. The bishop said to him that he had found an extraordinary man in Bernhardus but that he lacked conviction concerning the truth of his declarations. Of this he was certain, however, that this man was not dangerous but that he expected everything from God's direction. Bernhardus had explained to him where and how he had received the command and consecration from God. Nevertheless, he, the bishop, had found it advisable to have nothing to do with the matter himself.

The people at that time claimed that that conference had a disquieting effect on the spirit of the bishop. Several inhabitants of the city, who had received word of it, even said that the man up there in the fort had cast a spell over the bishop, for since the time of the conference he was ailing. The latter was true, but that the former belongs to the many false rumors I suppose demands no further explanation. On Corpus Christi festival in 1817, which followed directly after that discussion, the bishop was to lead the procession, but on account of his illness he could not carry out this function. And now again it was said that he was afraid, for the *Pöschelianer* wanted to use this day to break loose.

¹² Original has *Weihbischof*, i.e., titular bishop.

Although these rumors were ridiculous, yes slanderous and mean, yet many a weak soul on this account looked to the day with fear. Even a clergyman was so worried that he urgently requested a lay neighbor to keep the money which he had ready in his home. "For", he said, "if the mob breaks loose it might first fall upon us clergymen." (This mistaken view came from this that some weak persons, without closer investigation, believed the false rumors that the Augustinians were teaching a new religion.) That citizen, however, was also so frightened by the fear of the clergyman that he did not like to take the money for safekeeping.

The day of high festival passed quietly and with reverence, yes, not a trace of disturbance was noticeable, for the few persons



The "crown" frequently spoken of in records of Leon's sacred acts.
Taken in 1940 by Arndt.

against whom such unchristian suspicion was held always led a pious life according to the admonition of Father Johannes, and nothing rebellious came to their minds.

The bishop's illness from that time on increased rapidly, and still in the year 1817 he went over to the better life. But I am far from agreeing with the opinion of many among the people that the discussion in the fort was the cause of his death. In a

similar way Bernhardus also turned to the bishop of Mainz. As friend of Father Johannes I received the request from the fort through friends to write to the bishop of Mainz and to tell him what had been explained and preached by Father Johannes here concerning the Christian church, and to request him not to act according to public rumors, and not to declare himself against the matter, but to discuss the subject in question with Bernhardus when he arrived in Mainz.

Because at that time no prohibition had been made and because I could therefore act freely, I saw nothing improper in that request and accordingly fulfilled the wish. Through the bishop's secretary, a clergyman, I received the reply that the bishop was ready to talk with Bernhardus, etc. Later I found out that the bishop had not only had a discussion with Bernhardus but that he had also called the students at the seminary, who had taken the liberty of making insulting remarks about Bernhardus, to account and urged them to treat this man with respect and to leave the rest to God's direction. This bishop as well as the local one both soon after passed over into the better home.

Bernhardus also once expressed the hope that his royal highness the Crown Prince, our presently ruling most gracious King, would not leave unnoticed the presentation and the sermons of Father Johannes. As far as I know he gave expression to the following views in this respect: "Of the Crown Prince of Bavaria I am in future expecting much good for the church of Christ, for I know that the same has religious and justice-loving convictions, and this gives me hope that some day as regent he will contribute much to the improvement of Christianity.¹³ For that reason I expect that he will try to obtain exact information about everything that has been explained in Würzburg with regard to the Christian affairs. And as soon as the Crown Prince ascends the throne I will write to him in order to report everything to him."

Whether this has already been done or will soon be done I cannot determine, but this much I do know that Bernhardus definitely said this, even though he did not say it to me personally.¹⁴

¹³ King Ludwig I (1825-48), did much for art. He was greatly interested in the Greek struggle for freedom, but at home fought the liberals. When his mistress, Lola Montez, was forced to leave, he abdicated in favor of his son. Lola later visited America, and took up the traditional European sport of a lecture tour through the States. She also visited New Orleans. cf. *Lectures of Lola Montez, including her Autobiography*. New York, 1858.

¹⁴ This correspondence is now in my possession. It substantiates statements made here.

Just as much as Bernhardus tried to persuade the two mentioned bishops to consider the subject presented by him, just that much Father Johannes also tried to make the local see receptive to it, and he did this even then when the investigations were being directed by the civil authorities. Once, I no longer know whether it was before or after the bishop's visit to the fort, Father Johannes sent the adjutant who had guard over him to the police with the request that the authorities see to it that the see send three clergymen to him in the fort. He had to have a discussion with these and by God's command had such important revelations to impart to them that they could convince themselves of the truth of his lectures sufficiently, and these three clergymen should then be his witnesses before the see. And seven times, that is on seven consecutive days, he sent the adjutant to the police with this order. The authorities did their part but the see turned down the request with the remark that he would have no more to do with these Augustinians. On the seventh day the police sent a commissioner to Father Johannes in the fort, but he received the reply: "I have nothing to say to you, I called for three clergymen."

This fact I discovered at that time directly from the house of an ecclesiastical councilor, and later from the said adjutant. In my opinion the ecclesiastical councilors in this point could have listened, for not even a criminal condemned to death is denied such a request, so one could also, acting in justice, have granted the imprisoned clergymen their request.

The present bishop, Freiherr von Gross, whom I know as a zealous and worthy man and whom I respect as such, is conducting himself in a very praiseworthy manner with regard to the Augustinians. But he knows nothing of the entire affair except what he hears from others, and that then, of course, does not speak to the advantage of these prisoners. He feels sorry for them, however, and wishes he could lighten their fate. Immediately after his appointment as bishop he asked his administrator (*Verwalter*), a friend of mine, where the two Augustinians were and how they were getting along. This man, however, could give him no other information than that they were being treated as prisoners in a monastery.

Last year the bishop was dining with several clergymen. Here he asked again what the prisoners were doing. When he

heard that they were still being held in strict arrest it was his opinion that it might be better if they were not kept so strictly. "For," he said, "if it really is as people say, viz. that they are deranged, then they could recover all the better if they enjoyed more freedom, if they associated with the other clergymen, and if they ate at the same table with them."

But the guests of the bishop were of an entirely different opinion. They told him that these prisoners were stubborn, dangerous men, and that the least freedom granted them could have evil effects; it would be most advisable always to keep them in such strict confinement, for improvement could not be expected from them. This was related to me by a trustworthy man who was present and who thought just as fairly as the bishop.

Bernhardus lived here in quiet seclusion. His presence here was known to only a few intimates of Father Johannes. The police found him accidentally, without knowing any more about him than that he was living somewhere in this region.

As I later heard from the landlord with whom Bernhardus had lived, he was quite prepared for the arrest. Several days before he is reported to have said: "Our cause will now soon take on a serious character, I will soon stand before the civil court. I could, of course, escape," he added, "but it must be so, the affair must be handled by the courts."

He was arrested some time later than Father Johannes and Augustin. Since Bernhardus could not prove that he was a regular clergymen, the government feared that a revolutionary tendency was at the bottom of this. For that reason the two already arrested clergymen were returned here from the monastery and together with Bernhardus kept in the fort here, so that these three men could be examined together.

On the part of the people bitterness and accusations against Bernhardus were more general, but the proper authorities burdened him with the following:

1. That he had lived here without knowledge and without permission of the police authorities.
2. That he had furnished a room in his house as a chapel. This circumstance also occasioned the suspicion that these people had another view of religion.
3. That in the same house in which he lived a young woman was residing, and she too without permission of the police.

These three points then were criticized generally. The third point was objectionable in the eyes of the people, and the first two looked suspicious to the police and were subject to penalty. But Bernhardus has expressed himself in the following manner in this regard: that in consideration of his calling he had found himself moved to such conduct and that, as the following remarks will show, he had not been able to act otherwise.

a. Living in secret had been unescapably necessary in his relationship, for whoever accepted that his claims were truth would, regardless of the recognition of this truth, have to admit that such truth would not have been able to protect him against hindrance in his work. For although he himself had felt ever so convinced of the truth of his claims, he could neither have presented himself to the world in his calling nor could he have appeared as preacher for he would at once have been arrested. For that reason he had needed the service of a regular preacher who had presented the entire matter publicly on the pulpit to Christendom, and in order to carry on his work he had been obliged to keep himself in the background. But since the legal authorities found his secret living suspicious, he was arrested by the police immediately after his discovery and later brought to the fort.

b. As far as the house chapel now is concerned Bernhardus, because he found it necessary to live secretly, by his calling considered himself entitled to it, in order that in it he would daily be able to carry on his worship. But since the government did not want to recognize this calling, this was interpreted against him as a misdemeanor, and the chapel was destroyed.

c. That, finally, which gave Bernhardus occasion to allow the mentioned young woman to live in the house in which he lived was the following: Father Johannes had recommended this person to him very highly, and Bernhardus really did find her endowed with special spiritual gifts and with great zeal for the truths of Christianity. He, therefore, felt himself justified to hope that this zealous Christian some day would be an example and guide for many of her sex who so far either had known too little about the blissful teachings of Jesus or who have deviated again from the knowledge of Jesus Christ through the temptation of the senses and who, therefore, so far have not been walking in the spirit of the gospel but have been Christians only in name. Rising above the opinions and prejudices of men Bernhardus, therefore, took all trouble to instruct this zealous girl fully in

the doctrine of salvation. It can, therefore, be said truthfully that this person has become not only a zealous Christian but also a Christian heroine.

The history of this person who lived in Bernhardus' house and was called Catharina Günther is as follows:

This Günther lived with her mother, a widow, in Ansbach, where, as far as I know, her father had been a valet. Her one brother is a clergyman and the other employed here as governmental secretary. (The latter at present is no longer living.) This family adhered to the Augsburg Confession. Since Catharine, probably in part because her brother lived here or also because she hoped to make a better living in the then grandducal residence, was living here—the real reason is not known to me—it happened that she as a girl of 16-17 years of age had an affair with a French captain, who had promised to marry her. But later she received news that this officer had died on the march. It is known that many a girl from the best families met a similar fate at that time. No report of any new affair of this sort has been heard of since, but she lived here with her mother and made a living by feminine work.

As a Protestant that Catharine sometimes went to the Catholic Church. Soon, however, and the oftener she went to Catholic Churches the more, she felt invited and as it were drawn to become a Catholic. She, therefore, asked a girl-friend how she should conduct herself in this matter. But that girl-friend wanted to dissuade her with the assurance that she also loved her as a Protestant. Catharine, however, would not be held back. With this purpose in mind she went to the priest of the cathedral at that time. For lack of time, however, he directed her to the Augustinian monastery with the advice that she ask for the Father preacher (Johannes), since he was a very consecrated man whom he could recommend to her for this purpose as being the most suitable. Catharine followed this advice. Father Johannes instructed her and before long she became a member of the Catholic Church. But since she knew that her brother, the clergyman, would be very dissatisfied with this action, and that her mother, a strict Protestant, would feel the same, she kept this step secret until she had made the confession of faith. When her mother discovered this she became very angry, but it did not take long before her mother declared, quite contrary to all expectation of the daughter, that she too felt herself irresistibly and miraculously driven to

do the same; through the advice of the cathedral priest she, too, was instructed by Father Johannes and after that really changed over. The clergyman Günther, who is well-to-do, had formerly supported his mother according to her need, but when he discovered that she and his sister had become Catholic, he would have nothing more to do with them, let alone support them.

This is the true history of these two persons. The suspicion then that Father Johannes induced them to Catholicism and that she took this step in the interest of temporal gain, is entirely without foundation.

Whether Catharine as Protestant had an affair with the above-mentioned officer, for which she would deserve criticism, is surmised only by those who at once think the worst, but it is not certain. This surmise, however, was the reason that one heard the most insulting remarks about her. With a good conscience I can vouch for the fact that as a Catholic and especially in the house in which Bernhardus lived she lived a pious and truly Christian life. She roomed with the sister of the landlord's wife and was with Bernhardus only in the hours of instruction. The owner of the house, who has always conducted himself as a conscientious and strict Christian, would, had he noticed the least indecency, have refused to tolerate any of these persons in his house. However, the world is evil and, therefore, also liked to judge the worst. And so over this person, who certainly sought God's honor with all zeal, the people passed judgment according to the views of the world.

Above I have said that Catharine through the instruction of Bernhardus and Johannes became a Christian heroine, and I find myself moved to repeat this assertion; for it is indescribable what she has had to suffer for her faith. I know for certain that in this region and in our time no convert to Catholicism has endured as much disgrace and mockery as this Günther. For the cause already mentioned she and her mother were forced to return to their home town from here. Now picture the conditions of coming to a place as a Catholic in which one formerly lived as Protestant and in which, a few natives excepted, everyone is Protestant!

On the first day of her arrival there, no one would receive her and only with much trouble did she finally find a small inn where she took quarters with great reluctance. But like a crim-

inal she was placed into the worst room and this was locked from the outside. Within the next days mother and daughter found sympathetic people who rented them a home for a longer time. But what happened to poor Catharine when she went to church the first time? A whole mob of rabble and street urchins had gathered along the way to church. People laughed at her, mocked her, and scolded her; some bad boys even threw things at her. In view of such insults could she have been blamed if she had acted against the will and order of the royal government and as soon as possible departed from that place? However, she conducted herself not only as an instructed but also as a tried Christian; she walked through the crowds of those who were insulting her with such quiet satisfaction as if they had done her an honor. The cause of such treatment might have been the horrible and distorted rumor from here, which had reached her home before her.

As was heard later, such or at least similar insults continued for a long time, until gradually, in consideration of her truly Christian life, people thought better of her. A certain woman had insulted Catharine most deeply, but her revenge was very Christian. It happened that that woman was taken by a deadly and also contagious disease. In this way she fell in need and was deserted, for all men avoided her, much less would one have given her assistance. Catharine, however, as soon as she heard about it, brought her comfort and cared for her with all her strength. That sick woman could not understand how it was possible that that person assisted her whom she had insulted so deeply. Meanwhile Catharine through this Christian act caught the same disease. But the consciousness of having acted according to her Christian duty strengthened her in spirit and overcame the disease. So she soon recovered with praise and thanks to God that he had given her strength to act according to her Christian duty. Such actions, of which I have pointed out only this one, are not seldom in her life. As far as is known Catharine continues to live in Ansbach with her mother and makes a meager living from the work of her hands.

With the consciousness of having presented only the pure truth, I do not fear that this document will be looked upon as a biased defense of the persons mentioned therein, for that it is not. To the contrary, I only find myself pressed to describe the

whole according to truth and according to the circumstances that occurred, and I would do this according to my knowledge of the facts even then if I had never become acquainted with these priests or if I had never associated with them.

Whether the declaration of these men stating that the time is very near in which the church of Christ will achieve a perfect condition actually has a basis or not, I cannot assert, although, as member of the church, I desire greatly her complete victory over her enemies. This I can, however, state with good conscience and assert as absolute truth that neither from Father Johannes, as already stated above, nor from his friend, have I ever heard a word against Christianity. On the contrary, no doctrine or admonition was heard from them other than such as are taught by any well-founded teacher of religion, with the exception that they proclaimed the elevation of the church as near, a statement challenged by many theologians. In relation to their claims they admonished men to a true, living faith in the triune God, and especially in Jesus, the eternal son of God as redeemer and savior of the entire human race; and they admonished men to the hope that everything which he had promised would be fulfilled; then to an unchanging love of God, of Jesus, the destroyer of sin, but they also admonished men to a love for his Mother, worthy of glory, our intercessor; and they called for love for all inhabitants of heaven, and finally they commanded love to all men, our brethren. Then they called for continuance in prayer and in everything good. Every act of ours must be related to God and our striving must always be directed to this that we unite our will with the will of God. They also seriously urged forgiveness and suffering of insults and persecution, and that one must bear all this with patience for the sake of Christ and the truth, in view of the sufferings of the Lord and of his faithful martyrs. This they not only taught but also practiced. No lament was heard about the severity of their fate, they suffered everything without grumbling.

In the face of God I can testify that I found it to be so. Whoever describes these men differently judges by false rumors, or thinks against them in hostile manner. That which I could conclude from the writings of Father Johannes proved to me that all sufferings connected with his fate were neither strange nor deterring to him, for according to his statements he had prepared

himself for such and even greater disgrace. In the end, then, that happened too, which he had told me already in the days of his freedom, viz. that not only he but also those who believed his words and defended them would have to suffer with him.

A young man named Heim, from the region of Kempten, had studied law here and had become acquainted with Father Augustin. As a participant in this affair he was arrested, and since, during the trial, he defended the pulpit lectures he had to suffer imprisonment for 8-9 months during the investigations. After the conclusion of the investigations he was sent home. As I have been informed by a student of medicine here this man Heim later studied theology at Landshut and at present is a clergyman near Kempten.

A carpenter from Baden, named Hofer, who formerly already had known Bernhardus, came here, probably to see how Bernhardus was getting along. He was betrayed, arrested and tried. Since he defended the subject in question he had to spend several months in the prison of the police.

The already described Catharine Günther, because she defended the statements and announcements of those men as truths, had to linger in a prison of the police for nine months, and then had to leave this place.

The vineyardist Römmelt, with whom Bernhardus lived, already in 1817 was punished according to the law for his actions, which did not conform with police regulations. And because he confirmed the calling of Bernhardus and his presentations he received several weeks of police arrest in 1822.

The abovementioned *Accisor*, however, got by unquestioned, for the people did not know that Bernhardus had lived with him, and because he feared he might be betrayed to the investigating authorities nevertheless, he wisely withdrew. He went to the authorities himself and said that he had permitted Bernhardus to live with him for some time, a thing which he had done out of friendship for Father Johannes, but for a long time already he had heard nothing of him and in general had had no more association with questionable men. Through such a statement he was kept free from any investigation and from punishment by the police.

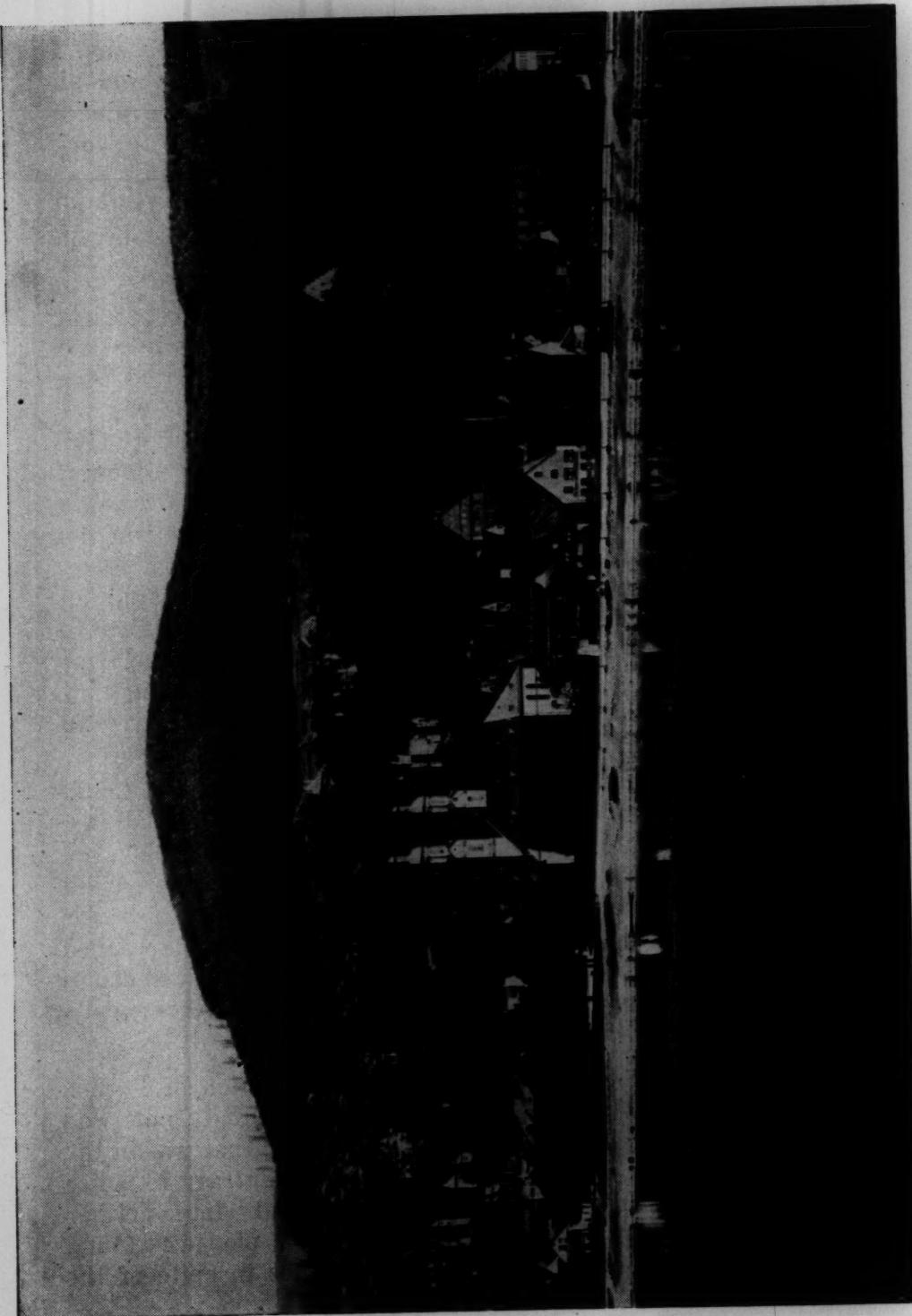
And now finally my insignificant self. Since I had been found a participant and had carried on the already mentioned cor-

respondence, a thing which I did without suspecting any wrong action therein and which I therefore had no reason to deny, I got away with two times twenty-four hours arrest. From all these persons suffering in prison, persons who had given evidence of absolutely nothing else but religious zeal and a desire to work for the honor of God, for their own salvation, and that of their fellow-men, a striving through which no man was hurt, from all these not the least grumbling was heard. They went to prison just as cheerfully as they left it.

The police authorities were always looking for a secret society or even for a conspiracy. For that reason they usually asked whether a person had to sign anything, write his name in a book, or make a vow, and the like. However, neither the one nor the other could be discovered, for that sort of thing did not exist. Whoever had heard the sermons spoken of and whoever followed the admonition and exhortation to repentance and a Christian life, he conformed to all the demands made, nothing else was demanded. Those who later developed greater religious zeal sometimes spoke about the sermons with each other, or sought an opportunity to speak to the preacher himself, in order to receive further advice and more detailed instruction, but all this was done of their own free will. There was no thought of an obligatory society or of any other obligation than that of living a Christian life.

What the government sought among these persons it found later to the highest degree among the demagogues who had spread all over Germany, yes, all over Europe. One could even notice that the real conspirators would have liked to hide behind the so-called religious fanatics, a condition which accounts for the cry against the latter in several public papers. People warned and urged all care and severity against persons who trained themselves in no other weapons than in those which Paul recommends in his letter to the Ephesians VI.

Since now during the course of the investigation of Father Johannes and his friends nothing could be found that was directed against the government nor anything else that was in the least culpable, except what might be considered contrary to police regulations and was punished accordingly, and since neither through the trials nor in the discovered papers a plan was found proving dangerous to the government, but since in spite of the



Miltenberg am Main. Leon's coworker was imprisoned here, and from here messages were sent to Louisiana.
By Courtesy of German Library of Information, New York.

most careful investigation only objects of a religious tendency could be found, things which of course were examined but which, according to the desire of the authorities, could not be proved physically, and since their realization was left completely to God's direction,—for all these reasons finally, the legitimate authorities declared that this subject, although, of course, it could not be accepted but because its development was left to God's discretion, contained nothing really punishable and, therefore, called the entire affair: "Fanatic religious mysticism".

The results of the investigations by the authorities then were that the clergymen remained locked up in monasteries and that the others were to be sent to their homes. Accordingly Father Johannes was put into the Capuchin monastery at Königshofen in Grabfeld, and Father Augustin in the Franciscan monastery at Miltenberg on the Main. And now for some time already they have been kept under strict guard in the Augustinian monastery at Münsterstadt at the request of the local Augustinian prior, because he objected to paying for the board of these prisoners.¹⁵ Bernhardus was taken to Mainz and in this way every foreigner was sent home.

With regard to this deportation of Bernhardus from here the following is still noteworthy:

He was led away on a poor peasant's cart with an escort of several gendarmes. However, the nearer he came to his destination the less dangerous he was found to be, and the less reason was found for watching him sharply. Already at the second station the officer not only turned him over as a harmless man, but also recommended him as a man who should be treated with every respect etc. I obtained this information later from an innkeeper who was present. From the last station to Mainz only a single gendarme escorted him. But the reception at Kostheim, his birthplace, was again quite the opposite. Bernhardus had been described to the officials there as a very dangerous man, therefore a whole company of armed countrymen were waiting to take him over there in order to transport him to Mainz. Such treatment, however, aroused the gendarme so much that he offered to escort Bernhardus the remaining half-hour's distance

¹⁵ As late as 1844 Hoos writes to the colony which by then had been established at Germantown, Louisiana. Although he is 74 years old he is still held a prisoner, and requests of friends that he may be permitted to visit them are rejected. Letters state that authorities fear he still has a large following, and correspondence found would justify the view. These letters speak of strict watches and indicate that letters to and from Louisiana are smuggled through.

to Mainz. Then he addressed the armed mob in the following words: "I suppose you people believe you are taking over a bad man here? To escort this man does not demand an armed group. I will escort him alone, and let no one dare to follow me!" So the gendarme went to Mainz with him alone.

When later I was visiting a relative in Wiesbaden, I by chance met an official of the Darmstadt government from Mainz. Among other things we also came to speak of the history of this Bernhardus. That man told me that Bernhardus immediately upon his arrival in Mainz was brought into prison, but soon after wrote to the government and asked for his freedom. On this occasion he said among other things that, since he knew how to make a living, he would by no means wish to be a burden to the government, and, therefore, requested that he be set free. At the same time he gave assurance that they would never have cause to complain about his behavior, for he would lead the life of a peaceful citizen. And even concerning that which he had to fulfill according to his calling he would make no declaration in Mainz, for that which he had to do in this regard had already been done in Würzburg etc.

My informer continued that the President in that place thereupon expressed himself as follows: "The writing of this man is absolutely contrary to the reports about him, and even these reports contradict each other, for they say that he was an insane and dangerous man. Only one", the President said, "can be true. If he were an insane person we would treat him as such and he could not be of harm to us. However his presentation, whether he wrote it himself or dictated it, does not give evidence of any insanity but expresses reason and order, and whether he might become dangerous for us we will first determine by test." Soon after that Bernhardus was set free, but for some time he was under supervision of the police.

It is said, and that even by the local police, that Bernhardus, is now always living within Darmstadt jurisdiction and that he is enjoying all civil liberties. It is said that he enjoys the good will of important persons in the Darmstadt area.

Although I myself have suffered from it, I must admit that the authorities in question did their duty in this matter as they saw it. On the one hand they had orders to investigate everything

exactly and strictly, and on the other hand, unfortunately, there was no overlooking the fact that a revolutionary spirit existed all through Germany. So they were of the opinion that a branch of such societies might appear under religious label. To determine this was not easily possible for the civil authorities without careful investigation.

The preacher Father Johannes once told me himself: "I cannot blame men for not being able to recognize this matter, for it is an idea that is foreign even to the pious Christian." For this reason it also happened that on the part of the people the matter in question was so distorted that even the fairest person became disgusted with it. The two Augustinians or those who were more intimately acquainted with them had to suffer every imaginable disgrace. In part one heard silly, ridiculous, and untrue but then also malicious accusations made against them. They were proclaimed to be cheats and swindlers, and yet no one was found who could complain of being cheated. And at the time of the arrest no money was found in their possession, for if some money was freely given to them, which they always used for persons greatly in need and for purposes of that sort, one certainly could not call that cheating or swindling.

This, then, is the faithful description of that much discussed subject itself as best I know it and of my behavior in connection with it. This has often caused me to be despised, although I have never harmed either myself or any one else by my actions; on the contrary, my zeal for the true and blissful, yes my religious sense in general has been increased thereby and has therefore become more refined. What those men presented in the pulpit and in private life as religious truth pleased and attracted me for this reason because I found it to be in complete harmony with the plan of salvation and the beatification of the human race.

The incentive for my striving, therefore, was by no means anything else than love to Jesus and longing for the fulfillment of his promises so blissful for humanity. I have no other wish but this one that God may be praised and worshipped in unity by all nations.

Finally I wish with all my heart and hope to God that every kind reader would consider well this description before he passes negative judgment about it.

III.

It is to be noted from the report just concluded that the Würzburg police in 1826 was still informed about the fate of our Count Leon (Bernhardus Müller). Above all it is to be noted that the police knew that he was enjoying the good will of important persons in the Darmstadt area. How did our Count Leon manage to change his fortunes so decidedly? His supposed relationship to Dalberg would offer one explanation, but in the absence of further evidence it would be best not to depend on this for an explanation. And the Count's papers, incomplete as they are at this time, do give further explanation of his further fate.

It was probably by his personality that Count Leon not long after his forced return to Mainz established connections with leading Masons at Frankfurt. The lodge with which he became connected looked upon Masonry as an institution for Christian improvement and educational progress. Its membership was very exclusive and only those were accepted who were seriously concerned with higher truth, perfect purification, and holier living as determined by God and leading to him. Through this Frankfurt group and through the Court at Darmstadt the Count was recommended to Landgrave Karl of Hessen, Grandmaster for Germany. Although he at first suspected Leon of being a Hapsburg spy, he soon changed his opinion and became greatly interested in the Count's system. Since the Count attempted to carry out this system in establishing his Louisiana colony later, I shall here take up some of its points.

In the year 1816 the glory of the Lord was revealed on earth. In this year the sixth world period began, and with it the secret power of the organ, i. e., the power of the one who should organize the whole for Christ's rule on earth. As already indicated when I gave Leon's version of his birth, he believed that he was this organ. Not long after the beginning of his secret power, the time of the public power and authority will come. This time will be divided into seven periods and will begin with revolutions and unrest among the peoples. A great judgment will follow in which the organ will be one of the judges. The result of this judgment will be the union of all religions and of all true believers under one shepherd. A new code of laws will be given and all men surviving the various catastrophes will be

sanctified. Sacrificial mass will be restored and worship will be holier than it ever has been. The Temple will then be built and at its dedication Christ will appear again in human form. After the establishment of the Kingdom of God the organ will withdraw.

In this Kingdom of God the time for work, for worship, and for rest will be exactly determined. All property and earnings will be held in common. During this time the science of alchemy



Count Leon's Home in Offenbach.
From Alt-Offenbach.

will reach its highest perfection. To make the analogy between the physical and the spiritual world more evident, the amount of gold will be increased and man will no longer have to toil so much. Man is to be given a new deal. The age of man will be 120 years. He will not marry before thirty, and when ninety years old he will leave his wife and devote all his time to the service of God until at the age of 120 he will gently fall asleep.¹⁶

Soon after the beginning of his acquaintance with Landgrave Karl of Hesse, Leon moved to a large estate which he had

¹⁶ Originals of his plans are in my collection.

acquired at Offenbach. This had been done through Dr. Göntgen, the Count's secretary, and with the assistance of several wealthy families in nearby Frankfurt.¹⁷

A considerable number of manuscripts in my collection show that there were several mediums in the Frankfurt-Offenbach group who conveyed spirit messages. Thus the spirit of old Zickwolf, a rival of Goethe's friend Willemer, brought the interesting information that archbishop Hatto—so well known to American students of German through the *Mäuseturm* legend—had become so interested in his researches into the theological problem of hell that he ventured a bit too far into the crater of Mt. Aetna and fell into hell, where he had to pay for his scholarly curiosity until the spirit of Zickwolf, acting under power from Leon, freed him. Without this kind assistance he would probably never have been able to appear in the Louisiana colony, as he did later on a number of occasions even though in each case he seemed to take distant Frankfurt as point of departure.

Diaries kept by the Leon group reveal that Leon by no means had given up his friendship with the two priests who were still in prison. Although outwardly his life at Offenbach seemed very quiet this calm was suddenly disturbed in July 1822, when the Würzburg authorities requested his arrest because he was continuing relations with the Würzburg group. He was accused of plotting revolutions and of using religion to defraud. A lawsuit which lasted four years began soon after. Toward the end of this period he addressed a thirty-page letter to King Ludwig of Bavaria, the letter referred to in the account just quoted. Leon's letter reveals a high degree of learning, considerable familiarity with court life, and a remarkable ability to weigh his strange case objectively. The lawsuit ended soon after and he was freed of the charges brought against him.

For three years Count Leon and his friends then lived quietly watching world developments and evidently waiting for the period when the public power of the organ would begin. This seems to have happened on March 21, 1829, when he received a command from God to proclaim the will of God as it would be imparted to him. Accordingly he dictated to Dr. Göntgen, what God had revealed to him. Seventy-two copies of this revelation

¹⁷ *Alt-Offenbach: Blätter des offenbacher Geschichtsvereins*, December, 1929. I am very grateful to Professor Heinrich Schneider of Cornell University for loaning me his valuable copy of this magazine.

were sent to rulers and cabinets of Europe, to the Pope and to such outstanding professors as Schelling in Munich and Neander in Berlin. (Göntgen, it seems, had been a student of both.) In a special letter written by Göntgen those addressed were urged under severe penalties to give all publicity to the divine revelations, for they were the beginning of the world judgment. Various omens of the day, such as an earthquake in Spain and the Sultan's departure from Constantinople seemed to give emphasis to the importance of the day.

Like all official documents proceeding from Leon's divine chancellery this message was a masterpiece. In an impressive prophetic style the organ of God speaks of the impending judgment, of the necessity of penance in view of the threatening judgment in which God has given the Turks the sword of revenge over European Christendom, of the league of peace into which all those remaining will be gathered, of the necessity of penance for all those who would have a part in this kingdom, of the impossibility of those who interfere with this plan to continue to rule.

It is natural that at such a restless time in Germany the governments and persons receiving such an impressive document would do anything but publish it to their subjects. Again it was the Bavarian government which acted. After a series of protests pointing out the serious consequences of the message in Bavaria, the Hessian government took action. With the help of twenty-five men from an infantry regiment Leon's estate was surrounded and the house entered. The forceful personality of God's organ is seen when he disarmed the soldiers by freeing them from their oath of obedience to their superiors. He was not arrested until superior officers, apparently immune to such religious charms, were brought in. And even later Leon managed to obtain the most amazing consideration. Officers had to suit his convenience before a trial could be arranged, and even this trial was finally broken off by action of Grand Duke Ludwig II with the understanding that Leon would leave the grandduchy. There seems to be no truth in the report circulated by Louisiana sources that he was at first sentenced to death.

The condition that he leave the grandduchy was quite in line with Leon's original plans, for at the time the seventy-two epistles were sent out, he had also written a long letter of greet-

ing to Patriarch Rapp in Pennsylvania, whose fame had spread so far that even Byron considered him worthy of comment in his *Don Juan*. In words highly similar to those used by contemporary American crusaders Rapp is told that North America will be the place where Christ will first reveal himself in his second coming, and that the true Christian church will be established here because America permits freedom of worship, that the twelve tribes of Israel will be united here and that from America will proceed an expeditionary force which will again drive the anti-Christ from Europe, for meanwhile he will have gained control there and will have destroyed all churches there.

This letter reached the Rapp colony at the psychological moment, for Rapp, too, had been looking forward to the millennium and to the gathering of the twelve tribes, had in fact sent financial assistance to the pious Germans in Palestine who wished to aid the Jews in the rebuilding of the temple there—and whose descendants, according to recent newsreports, have now become faithful Nazis.

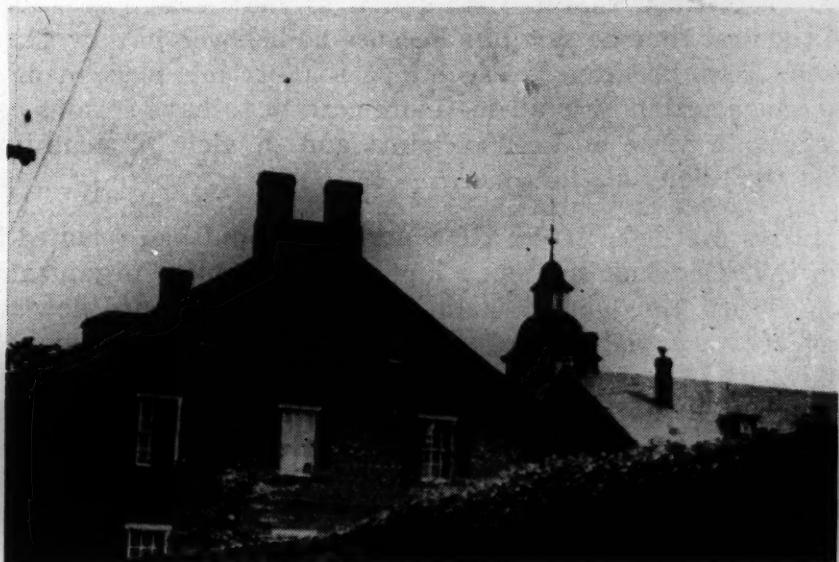
The reception given the remarkable letter when it was read to the thousand assembled Harmonists at Economy in Pennsylvania was tremendous, for according to their reckoning the three and one half periods foretold in Revelations ended in September of 1829, and Leon's letter announcing the coming of Christ arrived on the 24th of that month. Accordingly, Leon and his followers were cordially invited to America.

Rapp's kind invitation was accepted. The large estate at Offenbach was sold and on July 6, 1831, the news was published that the group had departed for Bremen. There the ship ISABELLA was chartered to bring them across the sea. It was during the course of the crossing that our Count really changed his name to Count Leon, a fact recorded on the passenger list which has been preserved. After a voyage of fifty days the Count and his immediate followers arrived in New York and were soon singled out by news-hungry reporters. One New York paper published the following comment:

The attention of many of our citizens has been attracted within a few days, by a costume, hitherto unknown even in this city, which presents so great variety of foreign nations. Several tall, erect, well made men, have been occasionally seen in the streets, dressed in green suits, of peculiar but becoming form, with full Dutch breeches, green stockings and

square hats of straw covered with red silk. Enquiries were made by passengers, whence the strangers came, and it proves that they belong to the suit of Prince Leon, whose arrival from Belgium has been recently announced. At the customhouse, a few days ago, as a gentleman informs us, he saw a person in this dress entering 45 servants, 85 trunks, belonging to the retinue of this respectable foreigner. The recent changes in his native country have induced him to seek a permanent abode in the United States. For this purpose he has brought a considerable number of his countrymen, with a large sum of money, as is stated, designing to purchase a tract of land in Pennsylvania. We may certainly, with great cordiality, wish success and prosperity to this Belgian colony.

Before leaving New York the Count informed Rapp of their arrival and explained that they were traveling incognito for the present, but he signed this letter with the title he claimed on the



The Great House of the Harmony Society with a view of the church tower. Count Leon was received in the church and the conferences were held in the Great House.

Taken in 1940 by Arndt.

basis of his noble birth, viz. Count Maximilian de Este. Dr. Göntgen and Mr. Nettelrode, who later became a successful business man in Lake Charles, Louisiana, went ahead to present credentials to the leader of the Harmonists and to arrange for the arrival of God's organ.

After careful preparations for his reception had been made, Count Leon made his ceremonious entry to Economy on October 18, 1831. The reading of the Count's letter to the assembled congregation two years before had brought great hope to the hard-working group of chiliasts who at that time already had expected the miraculous advent of Christ. Although one skeptic who watched the proceedings from the church tower at Economy remarked that the Count's entry to Economy certainly lacked the humility shown by Jesus when he rode into Jerusalem, later developments as well as diary records show that Leon's presence created a tremendous stir in the German settlement. If the group expected something miraculous to happen at the moment of the arrival, they were about as disappointed as many must have been at Jerusalem; but if they expected to see an impressive looking man, they were fully satisfied, for already in Germany a student of theology who had been arrested as one of the Count's followers testified that he had fallen to the Count's feet as if dead the first time he saw him because he believed he saw Christ himself. The appearance of such a personality in a place made up of religious zealots was all the more certain to have serious consequences in view of Leon's claims and in view of conditions within the colony at the time.

In his first letter from New York the Count had restated his claim that God had entrusted him with the entire organization of the future kingdom on earth, that all that remained now was the choice of a place from which the decrees of God would be announced. As a Christian communistic settlement Economy quite naturally seemed the logical place for this. All depended on the outcome of the religious conferences to be held between Leon and Rapp.

There were many points of agreement in the teachings of Rapp and Leon, but Leon lacked some of the sense of economic realism still found at Economy. Thanks to the expert financial management of an adopted son, Father Rapp could afford to go to extremes in religious ideas without letting his theory endanger his practice. Frederick Rapp, a financial genius, was realistic enough to understand that it would be best to develop industry and provide for material necessities rather than depend too much on God to provide manna from heaven through some strange new deal such as that revealed to Count Leon.

The conferences held to reach some agreement with regard to religious questions were unsuccessful. Rapp soon withdrew his interest. Leon's conviction that he was ordained to prepare the world for the coming ruler meant that Rapp would have to surrender his primacy in his own congregation. That would have been the last thing he would have accepted. The fact that Count Leon's background was Catholic and that he emphasized beauty of form in worship while George Rapp's background was Protestant must be kept in mind. Rapp had differed with the Church in Germany because he wanted to return to the simplicity of original Christianity; Leon also wanted to return to early Christianity but he visualized it in a more Oriental light. Although the two views were irreconcilable Leon and his followers were asked to remain at Economy through the winter. By spring they then planned to obtain their own land on which they would start their own colony and the new church of Philadelphia. The extended stay, however, was the cause of much trouble.



Count Leon's house in Philippisburg. It faces the Ohio River exactly opposite the mouth of the Beaver. This gave him a magnificent view from almost any room in the house.

Taken in 1939 by Arndt.

Within the colony, even before Leon's arrival, a rebellion had been brewing. Anonymous letters sent to the Rapps attest to that.¹⁸ Old Father Rapp had too long enjoyed unquestioned au-

¹⁸ Through the kindness of the Pennsylvania Historical Commission I have had access to the archives of the Harmony Society in Economy.

thority over the hard-working Germans there. Certain questionable actions on his part, e. g. employment of a young woman as laboratory assistant—Rapp, too, was experimenting for gold—gave considerable offense. All this trouble now came to a head. The men gathered around the personality of Leon. It seems unfair not to believe his own statement that he did not wish to cause unrest but that he wanted to depart with his followers only. He claimed that a great number of persons begged him to lead them out of bondage and Rapp's legal traps. Since Father Rapp and his intimates controlled the common treasury individuals were not in a position to engage the services of a lawyer to fight their case. To assist them in this difficulty Leon opened his purse and made it possible for them to obtain legal counsel in Pittsburgh. The end of this was that a large number of Harmonists broke away from Rapp and that Rapp had to pay them the sum of \$105,000.

Most of those leaving Father Rapp joined with Leon in building the city of Philippisburg, today called Monaca. On this beautiful site on the Ohio opposite the mouth of the Beaver River these people built a church and a number of well-planned houses.¹⁹

Although life was arranged along communistic lines the constitution and laws of the community were meant to guard the dignity and freedom of the individual as much as possible. An elaborate system of laws had been worked out according to which the incipient Kingdom of God was to be administered. In many respects this system was a revival of the early system of government found in the Old Testament. It was to be a Theocracy which incorporated certain principles of representative government. Within the scope of this article we cannot go into more detail, but the laws and the constitution were carefully worked out and beautifully copied on sheepskin.²⁰ The acceptance of these laws was testified to by signature on March 21, 1832. The New Philadelphia congregation was formally established with a membership of 400 souls. According to Leon's interpretation of Revelations it was necessary to establish this congregation as a gathering place for all true believers to rescue them from the destruction

¹⁹ The church today is Lutheran. According to a manuscript directory in my collection there were 46 houses in Philippisburg in 1833. Many of these are still very comfortable today.

²⁰ Until a few years ago this manuscript was being preserved at the home of C. P. Krouse at Germantown, Louisiana. A mysterious Madam X obtained it from the cook there one day and later turned it over to a Madam Y in Shreveport, who sent it to a well-known art dealer in New York City. The art dealer sold it to the Library of Congress where it is now easily accessible for all our lawmakers. These men should find in it a rich source for new laws.



The Church Built at Monaca, Pa., by Leon.

Taken in 1940 by Arndt.



One of the Monaca Houses Built by Leon.

Taken in 1939 by Arndt.

of the impending judgment. It meant about the same thing as the procedure of evacuation of citizens from danger zones does today.

From Philippsburg now were sent out various calls to gather all the faithful preparatory to a triumphal march to the West, as predicted in Revelations. Along the way others were to be gath-



The beautiful manuscript of Leon's constitution now in the Library of Congress came from this cabin at Germantown where Dr. F. O. Krouse lived.

Taken in 1939 by Arndt.

ered until ultimately all twelve tribes of Israel would again be assembled. In holding these strange ideas Leon really was no more peculiar than Father Rapp, who kept funds and flour on hand in expectation of the day when the Temple would be rebuilt at God's command. Unlike Frederick Rapp, Leon's scholarly assistant, a doctor of Philosophy and a doctor of Theology, onetime chief librarian of the City of Frankfurt and secretary of the Goethe-sponsored Museum Society, did not here act as a sound check on Leon's mysticism. Göntgen himself had studied theology from four points of view and had convinced himself that Leon's system was the only true system. He agreed with the views expressed in one of the books found in his library: *Philosophy seeks the truth;*

theology finds it. This truth as discovered after profound study convinced him and Leon that in the millennium great care for material things would be unnecessary.

On ideas such as these a community would not, however, be firmly established and continued. The colony, therefore, suffered the fate that overtook New Harmony in Indiana after it had been purchased from Rapp by Robert Owen, who also made the mistake of collecting too many scholars in one place in which for the time other things were of greater importance. Conditions at Philippisburg were aggravated by certain troubles in connection with the payment of the last installment from the Rapp treasury. Because payment was withheld until certain conditions were fulfilled the Philippiburgers went to Economy to occupy the place. In view of the fact that Rapp seemed to have broken the contract, they considered all previous agreements annulled and felt entitled to possession of the property they had helped create! In the excitement that followed hard words and some blows were exchanged. Rapp's reports have it that the militia was called out and that it chased the invaders away; Leon's men claimed that they were peaceful and that the militia did not arrive until they had departed. Rapp at once went to law and brought suit against the invaders. They replied with a lawsuit and a petition to the Pennsylvania legislature to conduct an inquiry into the conditions at Economy. The fact that two very pious groups could thus fight each other is explained by the great conviction held by each that God was in their camp. Leon was indicted but the lawsuits never were fought out. Some claim that Leon decided to settle matters by going to the place where indictments meant nothing, but Leon's explanation is that the time for the great move West had come.

On September 1, 1833, Leon and his followers embarked on boats in front of his home on the Ohio and started down the river in search of a locality now revealed more exactly as the place in which God would reveal himself. This was to be on the same latitude as Jerusalem. An eventful voyage of about five months' duration followed. Certain unexplained events of great importance took place in Louisville, but this I have not yet been able to clarify. On February 4, 1834, they landed at Grand Ecore, Louisiana, near the place which an unidentified author of a German book on Louisiana²¹ had described as very rich in gold. The hard-

²¹ *Ausführliche historische und geographische beschreibung des . . . herrlichen landes Louisiana; etc., etc., etc.*, Leipzig, 1720.



Grand Ecore, Louisiana, in 1873.
Taken from an original sketch by S. H. Lockett.



Part of an extensive library which Count Leon and Dr. Göntgen, chief librarian of the city of Frankfurt in Goethe's time, brought to America "in order to save the quintessence of European literature and transplant it to North America" before Europe's complete destruction, which seemed definite in 1831.

Taken at Germantown, Louisiana, in 1940 by Arndt.

ships encountered on the way only served to strengthen them in their faith that they were on the right path. They settled down near Grand Ecore for a time and there inaugurated the holy sacrificial masses which were to be a part of the new way of worship. Careful records were kept of all this.

It was not long before the change of climate made itself felt. Their faith soon met a severe test in the death of a considerable number of their people. The worst blow came with the death of the Count himself. When one considers that these people had given up the wealth and the refinement of life in Frankfurt and Offenbach in order to follow this leader in whom they had such absolute confidence one begins to realize how this must have affected them. Yet the description of his death sent to those who were planning to join them here shows that they were not left without a comforting explanation. I quote from a letter by Göntgen:

On the 29th of August at nine in the morning that divine spirit who had suffered for mankind's fall from God's eternal word, no longer breathed on this earth. Rejected by the world he returned to his eternal origin. For that reason the life from God in departing from us thrice was heard to utter soft tones of grief. He wept for mankind, which was to receive the beneficial blessing of his vicarious suffering by accepting his mission in faith. For this reason he consented to his elevation only on the third day, after he had struggled almost to the point of despair with God that He might prepare him in body and solemnly proclaim his mission. In the end, however, God persuaded him that mankind had fallen too low, and that other divine measures of wisdom and mercy would have to be manifested. Lene saw how the Holy Mother of God appeared with all the angels and bore the soul of the anointed to heaven.

Although there is a private cemetery for other members of the colony at Germantown, the grave of Count Leon has not been found.²²

Count Leon and his followers certainly were not poor when they arrived in Louisiana. They brought with them a considerable wealth in objects of art and in other valuables.²³ In spite of this situation it can readily be understood that more attention

²² It is interesting to note that Leon died at Grand Ecore, i.e., latitude 31°,49'. The place revealed to him by God before he departed from Philippsburg was to be on the same latitude as Jerusalem, which is 31°,47'.

²³ Deiler gives some highly interesting details in the work already quoted.

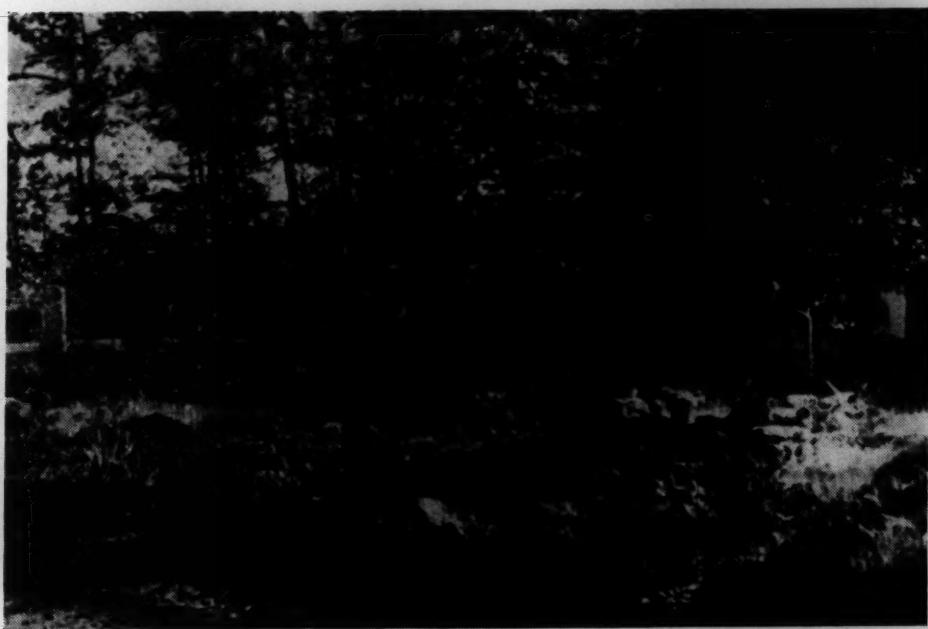
would now have to be given to the demands of practical life. These needs were better provided for by the organization of a firm Zickwolf and Heuser, which did business under the leadership of J. S. Bopp. And even this at the first was viewed as a great concession to the body which was made with much reluctance.

About two years after their arrival at Grand Ecore they purchased land in a higher and healthier region. With their possessions they again moved Northward across Lake Bistineau up Dorcheat Bayou and founded Germantown, eight miles South of which the city of Minden was later founded. The earlier arrangement of the firm of Zickwolf and Heuser was merely a practical measure to facilitate carrying on of business. This firm held property in the name of the group only. Through it they became very successful in business. They planted cotton and carried on rather extensive deals in real estate.²⁴ The colony held no slaves and did not employ Negroes. All work was done by the members of the colony. In spite of great hardships all of them remained loyal to the memory of the Count who actually had brought them into a land where conditions were still exceedingly primitive. Poems written by members of the colony as late as 1858 still show their love for Leon and their confidence that he will return to judge the world. This conviction was later also expressed by followers of his still in Germany.

The business manager of the colony, Bopp, died in 1858, but the colony continued to exist as a communistic group until the year 1871. Before that time already a Dr. F. O. Krouse from Hainichen, Germany, in some way or other came to the colony and became a business partner to the manager of the store, the colony's most important source of income. It is not entirely clear what sort of an agreement was worked out, but a letter from Nettelrode, who had since become a prosperous business man in Lake Charles, Louisiana, shows quite definitely that there was dissatisfaction about the new arrangement. Dr. Krouse then married one of the girls in the colony. When the Civil War began he was called to Camp of Instruction at Shreveport where he served as physician. The letters which he writes to his wife during this time are a story in themselves.

²⁴ There are a great number of records in the Homer courthouse concerning such transactions.

The aftermath of the Civil War caused them much suffering, but the colony did not break up officially until 1871 when the Count's widow left to live with her daughter at Hot Springs, Arkansas. At that time a peaceful division of property was made. Members of the Leon group settled in various parts of Louisiana and Arkansas. Some of the younger people went back to Pennsylvania. The original site of the colony now belongs to the descendants of Dr. F. O. Krouse, in fact the Krouses are now more numerous in that region than any of those who first came with Leon. The Bopps and the Pozongs are also still represented in strength, and one of the descendants of the colony's business manager has just been elected to high office in Minden.



The cemetery of the Germantown settlers. Tombstone inscriptions on early graves show many errors because these stones were set up many years after the death of the persons concerned. An ambitious traveling tombstone salesman came to Germantown one day and sold the entire lot.

Taken in 1939 by Arndt.

NOTE: Since I am continuing my study of Leon and his movement I would be very grateful for any new information about Leon or his followers. I am especially interested in receiving manuscripts or letters dealing with Leon and the Minden area. Many German letters and records are probably scattered around in northern Louisiana and in Pennsylvania. Address: Dr. Karl J. R. Arndt, Department of German, Louisiana State University, University, Louisiana.

✓ NEW ORLEANS UNDER GENERAL BUTLER¹

By HOWARD PALMER JOHNSON

CHAPTER I

SECESSION AND WAR

One evening in the latter part of November, 1860, a vaudeville artist was singing and dancing, and waving the American flag before an audience in a New Orleans theatre. Suddenly, at the close of her song, she flung the flag to her companion, who unctuously spread it out and, numbering its thirty-three stars aloud, exclaimed, "Thank God they are all there!" Whereupon the house rose as one man in enthusiastic agreement.²

It is not surprising that a New Orleans audience should have been glad that all the stars were still there. The whole country, North and South, had good reason to fear secession,—which had been so long threatened and which, now that Lincoln had been elected, seemed almost inevitable. But nobody had better reason to fear it than the people of New Orleans. Dependent on the trade of the Mississippi Valley for their prosperity, they dreaded the thought of severing political connections with the West. There were those, it is true, who thought that the break might be made without war; but, even if secession were accomplished peacefully and the river kept open, there was still danger for New Orleans. Signs had already appeared that its trade was being hurt by the new railroads, which were beginning to divert the produce of the Middle West to the Atlantic seaboard. And certainly a split, even with the river open, would hasten that development.

It is obvious that New Orleans had everything to gain if the issues of the day could be settled within the Union. And this fact the voters clearly recognized in the presidential election of 1860, when they gave Bell, the Constitutional Union, middle-of-the-road candidate, a large plurality, while Louisiana as a whole and all the South except a few of the border states were going to Breckinridge.³ Reflecting the conservatism of the people, the *Picayune* on election day plead for "confidence in the perpetuity

¹ In substantially its present form, this essay was submitted as a doctoral dissertation to the Graduate School of Yale University in 1937. It was begun at the suggestion of the late Professor Ulrich B. Phillips and completed under the direction of Professor Ralph H. Gabriel, to both of whom I am indebted for stimulating criticism.

² New Orleans *Daily Picayune*, Nov. 29, 1860.

³ The New Orleans vote was Bell, 5215; Douglas, 2998; and Breckinridge, 2645. (*Picayune*, Dec. 5, 1860.)

of the Union," and declared against the "dangerous doctrine that we are ready to spurn the binding obligation to regard the decision of the popular ballot as final."⁴ Again, two days later it insisted that Lincoln, on account of his failure to obtain a majority in Congress, had "clutched a barren honor" for his party.⁵ With that opinion the *Bee* agreed:

Our wrongs are prospective rather than real, nor can they be inflicted so long as ABRAHAM LINCOLN is rendered practically powerless by an adverse Congress It will be time to fight Lincoln with gunpowder and the sword, when we find either that constitutional resistance fails, or that he and his party are bent on our humiliation and destruction. We are for the Union so long as it is possible to preserve it Hence we say again, *let us wait!*⁶

New Orleans was to wait, but not for overt action from Lincoln and the Black Republicans. It was to wait only until the fire-eaters could convince Louisiana and the South that their wrongs were real, and not merely prospective; that their whole way of life was in danger and that security could be found only in immediate action.

On Thanksgiving Day the Reverend Dr. Benjamin Palmer, pastor of the First Presbyterian Church, stirred the city with a sermon which was reprinted in the *Delta* three times, and which is said to have caused the sale of more than thirty thousand copies of the paper.⁷ As his texts Dr. Palmer took from *Psalms*: "Shall the throne of iniquity have fellowship with thee, which frameth mischief by a law?"; and from *Obadiah*: "All the men of thy confederacy have brought thee even to the border; the men that were at peace with thee have deceived thee, and prevailed against thee; they that ate thy bread have laid a wound under thee; there is none understanding in him." Proceeding from these texts for two fervid hours, Dr. Palmer urged the necessity of protecting slavery, denounced the abolition spirit as "undeniably atheistic," and declared that, if the South bowed before the throne of the abolitionist Republicans, she would accept "the decree of restriction and ultimate extinction, which is made the condition of her homage." Immediate action was imperative.

⁴ *Picayune*, Nov. 6, 1860.

⁵ *Picayune*, Nov. 8, 1860.

⁶ *New Orleans Bee*, Nov. 8, 1860, quoted in Dwight L. Dumond, *Southern Editorials on Secession* (N. Y. and London, 1931), 224-225.

⁷ *New Orleans Daily Delta*, Dec. 4, 1860, cited in Thomas C. Johnson, *The Life and Letters of Benjamin Morgan Palmer* (Richmond, 1906), 222. The sermon was also reprinted in pamphlet form and distributed over the South.

"The position of the South," he said, "is at this moment sublime. If she has grace given her to know her hour, she will save herself, the country and the world. It will involve, indeed, temporary prostration and distress; the dykes of Holland must be cut to save her from the troops of Philip. But I warn my countrymen the historic moment once passed, never returns. If she will arise in her majesty, and speak now as with the voice of one man, she will roll back for all time the curse that is upon her. If she succumbs, now, she transmits that curse as an heirloom of posterity." Closing, he promised: ". . . Whatever be the fortunes of the South, I accept them for my own. Born upon her soil, of a father thus born before me—from an ancestry that occupied it while yet it was a part of England's possessions—she is in every sense my mother. I shall die upon her bosom—she shall know no peril, but it is my peril—no conflict, but it is my conflict—and no abyss of ruin, into which I shall not share her fall. May the Lord God cover her head in this her day of battle!"⁸ "After the benediction," wrote one who heard the sermon, "in solemn silence, no man speaking to his neighbor, the great congregation of serious and thoughtful men and women dispersed; but afterwards the drums beat and the bugles sounded; for New Orleans was shouting for secession."⁹

While Dr. Palmer's oratory was not the only cause, it is true that the shouting for secession in New Orleans was growing louder. Even the *Picayune*, which had always been the voice of the conservatives, began to show signs of impatience and to complain of "the ill-judged, unpatriotic, and ill-mannered taunts and threats of the Northern press," which "have done more to effect a change in popular opinion than all other causes combined. The feeling in favor of immediate secession is said to be very strong in the rural parishes, and even in New Orleans it is not weak."¹⁰ The next day, December 11, the paper admitted that the hope of a peaceful settlement of the difficulties was as "faint as the vanishing twilight." Because of this situation—which it regretted but accepted with resolution—the *Picayune* gave strong encouragement to the increasing military spirit, which was showing itself in the new and energetic activity of the local troops.¹¹

⁸ Johnson, *Life of Palmer*, 206-219, *passim*.

⁹ W. O. Rogers to T. C. Johnson, Madison, N. J., June 9, 1904, quoted in *ibid.*, 220.

¹⁰ *Picayune*, Dec. 10, 1860.

¹¹ *Ibid.*, Dec. 8, 9, 16, 22, 1860.

On December 20 came the news that South Carolina had seceded, and the next day a great celebration was held in front of the rooms of the Southern Rights Association in Camp Street. First, an 800-gun salute was fired in honor of South Carolina; then from a third-story window the flag of Louisiana was hung; on the second story appeared a bust of Calhoun, "with a blue badge around the neck;" and in the street below a brass band played the *Marseillaise*. Speeches were made, urging the people to follow the example of South Carolina, while a large crowd cheered.¹² The enthusiasm continued, and several nights later at the opera the South Carolina flag was unfurled and the *Marseillaise* sung, amid loud cheering.¹³

In the meantime the legislature, in special session at Baton Rouge, had provided for a state convention to be elected on January 7 to consider action. For several weeks excitement in New Orleans ran high. Still hoping for compromise, the so-called "co-operationists" plead for delay and a united southern front, while the "secessionists", demanded immediate action. Meeting followed meeting, and chest-beating and arm-waving were the order of the day. When the election was finally over, secession had won and on January 26 the formal ordinance was passed.¹⁴ The *Bee* rejoiced that Louisiana had "acted as best become her renown for gallantry, courage and determination. She has done her duty and now leaves the consequences to God."¹⁵ The *Crescent* proudly announced: "By a vote almost unanimous and with a calm dignity and firm purpose, Louisiana resumes her delegated power, and escapes from a Union in which she could no longer remain with honor to herself or to her sister States of the South."¹⁶ Even the *Picayune*, which had urged moderation to the end, was resigned, saying:

The deed has been done. "We breathe deeper and freer" for it. The Union is dead; and with it all the hopes and all the fears which divided and agitated our people We bury all differences of opinion, all names which betoken divided views, all questions of mooted policy, in the grave over which the Black Republicans have furled a once honored flag, never more, perhaps, to wave over the Union as it was. We shall

¹² *Ibid.*, Dec. 21, 1860.

¹³ *Ibid.*, Dec. 24, 1860.

¹⁴ See Willie M. Caskey, *Secession and Restoration of Louisiana* (University, La., 1938), Chaps. I-II.

¹⁵ *Bee*, Jan. 28, 1861, quoted in Lane C. Kendall, "The Interregnum in Louisiana in 1861," *Louisiana Historical Quarterly*, 16:407.

¹⁶ *New Orleans Daily Crescent*, Jan. 28, 1861, quoted in *ibid.*, 16:406.

do this cheerfully; we shall not give to independent Louisiana or the confederacy to which she consents, a reluctant or divided support. The South says to every child of hers, "Son, give me all your heart," and the South asks no more than she has a right to, and no more than she will receive.¹⁷

The *Picayune* was indulging its fancy with this idyllic description of the harmony which would prevail, now that the deed was done. It is always easy to talk about giving hearts to causes. But, generally speaking, it is true that, once the decision had been made, New Orleans gave itself whole-heartedly to the Confederacy and to the war. When Beauregard fired the shot at Sumter, the people rallied to arms with all the hysterical enthusiasm that war produces. And those who still hesitated were either forced to leave or to keep quiet, according to the usual wartime methods.¹⁸

Almost immediately New Orleans became a great recruiting center, through which passed troops from all over the state on their way to the front. Its own crack regiments, the Crescent Rifles, the Louisiana Guard, and the Washington Artillery, left for Virginia soon after Sumter. To one of them on leaving the Reverend Dr. Palmer gave "a public and a tender farewell":

It is fitting [he said] that religion herself should with gentle voice whisper her benediction upon your flag and your cause. Soldiers, history reads to us of wars which have been baptized as holy; but she enters upon her records none that is holier than this in which you have embarked. It is a war of defense against wicked and cruel aggression—a war of civilization against a ruthless barbarism which would dishonor the dark ages—a war of religion against a blind and bloody fanaticism.¹⁹

New Orleans was now emotionally in the grip of war. The flags were waving, the drums beating, and the soldiers leaving. But the full force of war was still to come. (The fighting was going on mostly in Virginia, the blockade had not yet become effective, and even the closing of the river at Cairo had not disturbed trade as much as might have been expected.) "The 'Crescent City' was gay in those days," wrote a Confederate sailor who was stationed there, "as the people had not yet realized what a serious thing war was, or what it was to live in a captured city. . . ."²⁰ To say that the city was gay is doubtless an exaggera-

¹⁷ *Picayune*, Jan. 27, 1861, quoted in *ibid.*, 16:405-406.

¹⁸ For an account of the ushering out of one staunch Unionist, see Emily H. Reed, *Life of A. P. Dotie; or, the Conflict in New Orleans* (N. Y., 1868), Chap. III. For the pressure exerted on suspected friends of the Union, see William H. Russell, *My Diary North and South* (London, 1863), I, 333, 346.

¹⁹ *Daily Delta*, May 29, 1861, quoted in Johnson, *Life of Palmer*, 238.

²⁰ James M. Morgan, *Recollections of a Rebel Reefer* (Boston and N. Y., 1917), 53-54.

tion, but it is probable that many did not yet realize what a serious thing war is. After all, most of them had seen only the stage business: troops marching, flags waving, bands playing, and patriots exhorting.

Behind the scenes, however, among the officials and the well-informed, there were some who were anxiously considering the necessity of defending the city itself.²¹ For, even though the fighting was going on in faraway Virginia, New Orleans was dangerously vulnerable. Situated about a hundred miles from the mouth of the Mississippi on a low, narrow strip of land between the river and Lake Pontchartrain, its only line of land communication was a railroad which ran around the southern and eastern edge of the lake.²² By water it was approachable not only from either direction on the river, but also through the numerous bayous which indent the coast from Pearl River on the east to Atchafalaya Bayou on the west; and through which access might be gained to firm ground within striking distance of the city. Besides the number of approaches, the problem of defending New Orleans was further complicated by the fact that when the river was high, the city itself often lay below the water level, protected from inundation only by the levees. Under such conditions, which were usual during the winter and spring, a naval attack from the river would expose the city not only to a merciless bombardment, but even to complete destruction, if the levees were broken.

There were, then, three problems of defense: to block the approach of the enemy up the river from the sea; to protect the city from a land attack by troops that might have come in through any of the water approaches; and to stop a descent of the river and attack from above. It was the last of these possibilities that seems to have been first feared in the summer of 1861. In June, several weeks after he had taken command at New Orleans, General Twiggs assured the Secretary of War that an attempt to descend the river was soon to be made and urged that the naval vessels at New Orleans should be sent up.²³ Again, in August, advising the removal of some floating docks up the river, General

²¹ Even before the firing on Sumter Beauregard had urged that measures be taken to defend the city (Beauregard to the Military Board of the State of La., New Orleans, Feb. 13, 1861, in *The War of the Rebellion: A Compilation of the Official Records of Union and Confederate Armies*, Ser. I, v. 1, pp. 500-501). Beauregard sent virtually the same letter, signed "An Observer," to the *Daily Delta* for publication (*Official Records of the Union and Confederate Navies in the War of the Rebellion*, Ser. II, v. 2, pp. 42-43). Hereafter the official records of the army will be cited as *O. R. A.*, and those of the navy as *O. R. N.*

²² The New Orleans, Jackson and Great Northern Railroad.

²³ General David E. Twiggs to Secretary of War L. P. Walker, New Orleans, June 18, 1861, *O. R. A.*, Ser. I, v. 53, p. 699.

Twiggs wrote that he understood "formidable preparations" were being made "for the devastation of the Valley of the Mississippi and a descent upon New Orleans."²⁴

The problem of coastal defense, however, was not being entirely ignored. In July General Twiggs wrote Secretary Walker that, though he did not feel authorized to spend money for the defense of the city without orders, he thought that the problem demanded immediate attention; that drainage had changed the face of the surrounding country considerably since the war with England, making many formerly impassable places firm enough to support marching troops. A delegation of the city council of New Orleans was then in Richmond to propose strengthening of the fortifications. If their request were granted, General Twiggs asked that he be given some engineers to assist in the work.²⁵

Progress in beginning work was slow. There was disagreement between the army engineers and those of the city, which had already begun work before the army was ready.²⁶ There was complaint from the War Department in Richmond that General Twiggs was not specific enough in his requests.²⁷ It was not until the middle of August that the details and red tape had been finally overcome and that Twiggs could write Walker that the works would be begun immediately with money appropriated by the city and state.²⁸ Even then things did not seem to move off well. There was still, as there had been all summer, great need for trained officers and a shortage of powder.²⁹ The guns promised by Richmond were slow in coming.³⁰ And, to add to the difficulties, the surprise capture of Fort Hatteras in the latter part of August and the occupation of Ship Island by the Federal navy in the middle of September brought more anxiety. General Twiggs, who had seemed patient in his letters to Richmond, became fearful and wrote to Walker: "I do not wish to appear pettish or to be importunate in the matter of powder, but if it cannot be obtained the

²⁴ Twiggs to Walker, New Orleans, Aug. 9, 1861, *ibid.*, 722.

²⁵ Twiggs to Walker, New Orleans, July 9, 1861, *ibid.*, 707.

²⁶ Twiggs to Walker, New Orleans, July 30, 1861, *ibid.*, 715.

²⁷ Walker to Twiggs, Richmond, July 17, 1861, *ibid.*, 713.

²⁸ Twiggs to Walker, New Orleans, Aug. 14, 1861, *ibid.*, 726-727. It is interesting to notice that on the same day that Twiggs was writing this from New Orleans, Walker was informing the President of Congress in Richmond, in answer to an inquiry, that such fortifications as General Twiggs had suggested were then in the "process of erection." Walker seems to have been trying to allay what anxiety there may have been felt in Congress. (Walker to the President of Congress, Richmond, Aug. 14, 1861, *ibid.*, 726.)

²⁹ For the need for officers see Twiggs to Walker, Sept. 6, 1861, *O. R. A.*, Ser. I, v. 6, pp. 728, 738. For requests for powder sent to Richmond by General Twiggs see Twiggs to Walker, New Orleans, June 10, 25, July 12, Aug. 14, 1861, *O. R. A.*, Ser. I, v. 53, pp. 696, 703, 711, 726-727.

³⁰ Walker to the President of Congress, Richmond, Aug. 14, 1861, and Twiggs to Walker, New Orleans, Aug. 14, 1861, *O. R. A.*, Ser. I, v. 53, pp. 726-727.

sad spectacle will be presented to the Confederacy of the Mississippi Valley falling into the hands of the enemy because of the lack of ammunition. There is not in my mind the slightest doubt that this city will be attacked early in the autumn."³¹ Governor Moore, apparently even more disturbed than Twiggs, wrote to President Davis himself, asking that "this city, the most important to be preserved of any in the Confederacy, and our coast, the most exposed of all the States, be no longer neglected."³² To Judah P. Benjamin, who was then Acting Secretary of War, he wrote still more plainly: "It is high time ample provision was made for the reception of our enemies. . . . Now, my dear sir, do at once what may be necessary for our state."³³ Further impassioned protests came into Richmond, one of which, complaining of the defenseless condition of the city, said: "A grave responsibility must rest on those who have not prevented such a state of things."³⁴

Even if he had received better coöperation from Richmond, it is doubtful that General Twiggs could have handled things successfully. After all, he was a seventy-one-year-old veteran of the War of 1812 and the Mexican War; he had evidently not been in good health when he was appointed to the command in May; and by fall, at least, he was confined to an armchair.³⁵ He probably should never have been given the command in the beginning, and it is not surprising that those who were disturbed about the safety of the city should now ask for his removal. It was not to be expected that a general in an armchair should inspire confidence or command efficiency. Requests for his removal accompanied the letters of protest which came to Richmond.³⁶ Finally, Acting Secretary Benjamin and Charles M. Conrad, a member of Congress from Louisiana—both of whom had originally sponsored General Twiggs' appointment—wrote to Davis, asking that the old man be relieved.³⁷ In response to these requests and to General Twiggs' own appeal for aid, Brigadier-General Mansfield

³¹ Twiggs to Walker, New Orleans, Sept. 6, 1861, *O. R. A.*, Ser. I, v. 6, p. 728.

³² Governor Thomas O. Moore to Jefferson Davis, New Orleans, Sept. 20, 1861, *ibid.*, 740.

³³ Moore to Benjamin, New Orleans, Sept. 22, 1861, *ibid.*, 742.

³⁴ A. B. Roman to Davis, New Orleans, Sept. 15, 1861, *O. R. A.*, Ser. I, v. 53, p. 739.

See also W. G. Robinson to Benjamin, New Orleans, Sept. 20, 1861, and Alexander Walker to Benjamin, New Orleans, Sept. 30, 1861, *ibid.*, 742, 746-747.

³⁵ Davis to Twiggs, Montgomery, May 25, 1861, and A. B. Roman to Davis, New Orleans, Sept. 15, 1861, *ibid.*, 690, 739.

³⁶ A. B. Roman to Davis, New Orleans, Sept. 15, 1861, W. G. Robinson to Davis, New Orleans, Sept. 20, 1861, Alexander Walker to Davis, New Orleans, Sept. 30, 1861, *ibid.*, 739, 746-747; Moore to Davis, New Orleans, Sept. 20, 1861, *O. R. A.*, Ser. I, v. 6, p. 740.

³⁷ Davis to Moore, Richmond, Sept. 26, 1861, *O. R. A.*, Ser. I, v. 6, p. 746; Benjamin and Conrad to Davis, Richmond, Sept. 27, 1861, *O. R. A.*, Ser. I, v. 53, p. 744.

Lovell was ordered to report to Twiggs and charged "with the coast and other defenses" of the department.³⁸ Soon afterwards a way out of the awkward situation appeared, when Twiggs asked to be relieved of his command on account of his health.³⁹ This request was quickly granted, and General Lovell left for New Orleans.

In the meantime Davis and Benjamin had been doing their best to calm Governor Moore and to convince him that they were doing all they could. In answer to the complaints in regard to General Twiggs, Davis said that, since the people of New Orleans had urged his appointment in the beginning, he thought that he himself should have been told sooner "of the mistake they had made." Defending the policy of the Richmond government, the President said: "Should your worst apprehensions be realized—which I cannot bring myself to believe when I remember how much has been done for the defense of New Orleans since 1815 both in the construction of works and facilities for transportation—I hope a discriminating public will acquit this Government of having neglected the defenses of your coast and approaches to New Orleans."⁴⁰ Benjamin wrote the Governor in a less argumentative and more ingratiating manner, assuring him that the government was doing its best and that General Lovell, "a brilliant, energetic, and accomplished officer", was on the way. With a tact that seems a little excessive he referred "to the patriotic and generous aid of just such governors of States as our own Tom Moore," and in concluding said: "I am sure you will be persuaded that nothing I can do shall be left undone for the defense of Louisiana, while you would not wish, I am equally sure, that I should neglect the defenses of other points of importance in order to concentrate all our resources in New Orleans alone."⁴¹

The Confederacy certainly had not concentrated all its resources in New Orleans. And General Lovell lost no time in saying so. The day he assumed command he wrote Benjamin that the city, "the first in importance in the Confederacy," had been "greatly drained of arms, ammunition, medical stores, clothing

³⁸ Twiggs to Walker, New Orleans, Sept. 16, 1861, *O. R. A.*, Ser. I, v. 6, p. 738; Special Orders No. 162, Adjutant and Inspector General's Office, Richmond, Sept. 25, 1861, *O. R. A.*, Ser. I, v. 53, p. 743.

³⁹ Twiggs to Benjamin, New Orleans, Oct. 5, 1861, *O. R. A.*, Ser. I, v. 53, p. 748.

⁴⁰ Davis to Moore, Richmond, Sept. 26, 1861, *O. R. A.*, Ser. I, v. 6, p. 746. In contrast to Davis' confidence in what had been done for the defense of the city since 1815, see Twiggs to Walker, New Orleans, July 9, 1861, *O. R. A.*, Ser. I, v. 53, p. 707.

⁴¹ Benjamin to Moore, Richmond, Oct. 13, 1861, *O. R. A.*, Ser. I, v. 6, pp. 751-752.

and supplies for other points;" that it would require great effort to put the city in the proper state of defense; and that "nothing should be diverted from that purpose."⁴²

It was a difficult task that faced General Lovell when he arrived in New Orleans. Having been refused the authority which he had requested to control both military and naval matters in the department,⁴³ he concentrated his attention immediately on the land defenses. With neither specific instructions from the War Department nor an adequate report from General Twiggs of the condition of affairs,⁴⁴ the first thing that had to be done was a thorough inspection of the department. This inspection, which required more than two weeks, revealed that little had been accomplished during the summer in strengthening the land defenses. A line of intrenchments, which had recently been begun around the city remained unfinished. Forts Jackson and St. Philip, which stood on either side of the river about twenty-five miles from its mouth, were still in need of the proper guns and ammunition. The other forts, Pike and Macomb, which guarded the two outlets connecting Lake Pontchartrain with the Gulf, and Fort Livingston on an island in Barataria Bay, were all in bad repair, having been unoccupied for a long time before the war.⁴⁵

The general plan adopted called for two lines of works. One, to pass through the forts and earthworks, which were to be erected, was to form an exterior line intended to prevent approach from the sea. The other, an interior line extending from both sides of the river about four miles below New Orleans to the swamps on either hand, was designed to repel a land attack. On the left bank this line was to be carried around the rear of the city to Lake Pontchartrain. Above the city a similar line was to be run, thus virtually surrounding the city with more than eight miles of intrenchments.⁴⁶

⁴² Lovell to Benjamin, New Orleans, Oct. 18, 1861, *ibid.*, 753. General Lovell later testified before a Confederate court of inquiry which was held in 1863 to investigate the capture of New Orleans, that he had been unwilling to describe the real condition of the defenses on paper, for fear that the information might fall into the wrong hands. (Proceedings of the Court of Inquiry, *ibid.*, 558.)

⁴³ Davis to Lovell, Richmond, Oct. 17, 1861, and Benjamin to Lovell, Richmond, Jan. 19, 1863, *ibid.*, 645-646.

⁴⁴ Lovell Testimony before the Court of Inquiry, April 7, 1863, *ibid.*, 658. In his testimony Lovell stated that Twiggs had told him that the department was "almost entirely defenseless," and that his "health had prevented him from making personal inspections of the various points of the department."

⁴⁵ This description is based on General Lovell's testimony before the Court and corroborated by the Court's report of the facts. (O. R. A., Ser. I, v. 6, pp. 558-559, 639.)

⁴⁶ Lovell Testimony, *ibid.*, 560.

Though handicapped by a lack of experienced and competent officers,⁴⁷ Lovell pushed the work forward as rapidly as possible; and by December 5 he wrote Benjamin that he thought New Orleans strong enough to resist any attack that might be made. The forts had all been strengthened; two powder mills, said to be able to produce two tons a day, were in running order; and the fortifications were manned by about 8000 men, besides about 6000 armed volunteers, who were in the city itself. In addition to this work, the raft which had been swung across the river between Forts Jackson and St. Philip had been so strengthened that, according to General Lovell, it was then a "complete obstruction."⁴⁸

Shortly after this report was made, calls began to come into New Orleans for aid to other parts of the Confederacy. Orders came from Richmond to send heavy guns to Tennessee and to Charleston.⁴⁹ Urgent requests came from Johnston and Polk for reinforcements at Columbus, Tennessee.⁵⁰ Though guns and troops had been sent away, though there was great need for more officers, and though the enemy was landing more troops on Ship Island,⁵¹ General Lovell was evidently still confident. On January 3 he wrote Benjamin that he was "fully prepared" for the enemy and had "no fears about results."⁵² Again, ten days later, he wrote that he considered New Orleans "in a condition to resist an attack."⁵³

It was not long, however, before this confidence was to be shattered. Early in February the Northern army began to push into Tennessee, first to Fort Henry, then to Fort Donelson, and finally on the twenty-third to Nashville. This advance was a heavy blow to the Confederacy. The authorities at Richmond were stunned. ". . . we grope in the dark here," wrote Benjamin, "and this uncertainty renders our counsels undecided and prevents that promptness of action which the emergency requires. Enough, however, is known to satisfy us that without additional supplies of arms we cannot hold our entire exposed coast and

⁴⁷ *Ibid.*, 559; Lovell to Benjamin, New Orleans, Nov. 19, 1861, *ibid.*, 769-770.

⁴⁸ Lovell to Benjamin, New Orleans, Dec. 5, 1861, *ibid.*, 774-776.

⁴⁹ Telegrams, J. Gorgas to Lovell, Richmond, Dec. 17, 1861, and L. Gibbon to Lovell, Richmond, Jan. 1, 1862, *ibid.*, 646.

⁵⁰ Lovell to Adjutant and Inspector-General S. Cooper, New Orleans, Dec. 10, 1861, *ibid.*, 778.

⁵¹ Lovell to Benjamin, New Orleans, Dec. 29, 1861, *ibid.*, 790.

⁵² Lovell to Benjamin, New Orleans, Jan. 3, 1862, *O. R. A.*, Ser. I, v. 53, p. 766.

⁵³ Lovell to Benjamin, New Orleans, Jan. 13, 1862, *O. R. A.*, Ser. I, v. 6, p. 805.

frontier, and we must withdraw from the defense of the whole Gulf except New Orleans."⁵⁴

Secretary Benjamin and the others in Richmond may have thought they were withdrawing from all of the Gulf coast except New Orleans. But, when orders began to come in for more troops and supplies, General Lovell had reason to believe that even New Orleans was not being excepted. Shortly after the fall of Fort Henry five thousand troops were ordered from New Orleans to reinforce General Beauregard.⁵⁵

Again, after the surrender of Fort Donelson "every musket" was ordered to be sent to General A. S. Johnston.⁵⁶ From the beginning this weakening of the city's forces was protested by General Lovell, who warned Richmond that the move would create "a great panic" in New Orleans, but then added, with resignation, that he would do his best to "restore confidence by a show of strength."⁵⁷ Continued demands lead him to protest that the department was "being completely drained of everything;" that it had been "stripped of every organized body of troops;" and that "loud complaints" were being made on all sides.⁵⁸

To increase the difficulties, about this time the log raft across the river between Forts Jackson and St. Philip gave way under the pressure of the spring water and the accumulation of drift wood.⁵⁹ Lovell had depended a great deal on this raft to block the river, as he had thought all along that the shore batteries alone would not be enough to prevent the passage of a fleet.⁶⁰ Consequently he made every effort to restore the barrier as quickly as possible. But the lack of proper materials forced him to use only parts of the old raft and schooners fastened together with chains,—which made a very unsatisfactory obstruction.⁶¹

In the meanwhile things had never gone well with the naval preparations for the defense of New Orleans. Attempts had been made to turn various vessels to use,⁶² and the construction of

⁵⁴ Benjamin to Gen. Braxton Bragg, Richmond, Feb. 18, 1862, *ibid.*, 828. For a discussion of Confederate strategy here, see Alfred P. James, "The Strategy of Concentration of the Confederate Forces in the Mississippi Valley in the Spring of 1862," in *Annual Report of the American Historical Association for the Year 1919* (Washington, 1923), I, 367-374.

⁵⁵ Letter and telegrams, Benjamin to Lovell, Richmond, Feb. 8, 1862, *O. R. A.*, Ser. I, v. 6, pp. 823, 824.

⁵⁶ Telegram, Benjamin to Lovell, Richmond, Feb. 16, 1862, *ibid.*, 827.

⁵⁷ Lovell to Benjamin, New Orleans, Feb. 12, 1862, *ibid.*, 825.

⁵⁸ Lovell to Benjamin, New Orleans, March 6, 9, 10, 1862, *ibid.*, 841, 847, 850.

⁵⁹ Lovell Testimony, *ibid.*, 562.

⁶⁰ *Ibid.*; Lovell to Benjamin, Nov. 19, 1861, *ibid.*, 769.

⁶¹ Lovell Testimony, *ibid.*, 562; Report of Facts by the Court, *ibid.*, 639-640, 642.

⁶² See order of L. Rousseau, Commandant of the Naval Station at New Orleans, to a board of officers, New Orleans, June 25, 1861, and their report to him, June 27, 1861, *O. R. N.*, Ser. I, v. 16, pp. 827-829.

two large ironclads, the *Louisiana* and the *Mississippi*, had been begun in the fall. But, owing to the lack of an adequate shipyard, a scarcity of money and materials, and considerable labor trouble, neither ship had been completed.⁶³ Besides, the few vessels that were available had by this time been ordered up the river, where the greatest danger was thought to lie.⁶⁴ With all of this General Lovell had nothing to do, authority having been refused him in the beginning over affairs of the Navy Department. The only part he had been allowed to play was to supervise a river-defense fleet, made up of armed merchant ships, each of which was commanded by its own captain.⁶⁵ This policy of the Richmond authorities had annoyed Lovell for some time, and as early as January he had complained to Benjamin: "I felt satisfied that if the protection of the navigable streams running up into the country was removed from my control it would in all probability not be properly arranged in connection with the land defenses, while the general commanding the department would be considered by the people at large as responsible for inroads into the territory of his command."⁶⁶ This is just what has happened. . . . The blame of want of protection will rest upon me in any event, and I should therefore have some power to say what should be done."⁶⁷

But, despite all protests from New Orleans, by the latter part of March, when the Federal fleet arrived at the mouth of the river, the city was in a virtually defenseless condition. Frantic last-minute appeals to Richmond by Governor Moore and General Lovell were in vain.⁶⁸ Even the request of Commodore Hollins, a few days before the arrival of the Federals at the forts, to be allowed to take his squadron down the river from Fort Pillow was rejected.⁶⁹ The officials and those who knew what was going on felt that the city had been deserted in its hour of greatest need.

By this time the seriousness of the situation was at last becoming apparent to the people as well as their leaders. Still,

⁶³ Testimony of Nelson Tift in the "Report of Evidence Taken Before a Joint Special Committee of Both Houses of the Confederate Congress to Investigate the Affairs of the Navy Department," *O. R. N.*, Ser. II, v. 1, pp. 531-558, *passim*. For a discussion of the conduct of the Navy Department in New Orleans, see Scharf, *History of the Confederate States Navy from Its Organization to the Surrender of Its Last Vessel*, Chaps. XII-XIII; and also John H. Neill, Jr., "Ship-building in Confederate New Orleans" (MS. Master's thesis, Tulane University, 1940).

⁶⁴ Testimony of Commander George N. Hollins, *O. R. N.*, Ser. II, v. 1, p. 473.

⁶⁵ Benjamin to Lovell, Richmond, Jan. 19, 1862, *O. R. A.*, Ser. I, v. 6, pp. 811-812. For the inefficiency of this fleet see Lovell to G. W. Randolph, New Orleans, April 15, 1862, *ibid.*, 876-877.

⁶⁶ Lovell refers here to raiding expeditions which were harassing the Mississippi coast at the time.

⁶⁷ Lovell to Benjamin, Jan. 7, 1862, *O. R. A.*, Ser. I, v. 6, pp. 798-799.

⁶⁸ *Ibid.*, 869-872, *passim*.

⁶⁹ Testimony of Hollins and letters exchanged between him and Mallory, *O. R. N.*, Ser. II, v. 1, pp. 519-521.

according to the *Picayune*, New Orleans continued to do its best to keep up the reputation it had always had of being "the gayest city in the United States." Hardly a day passed without a concert, a ball, or a show. There was, it is true, no opera in the Bourbon Street Theatre, but "two or three refined ladies . . . opened their drawing rooms for amateur performers."⁷⁰ Announcing a fancy-dress masked ball for Mardi Gras, the *Picayune* asked with rather self-conscious nonchalance, "Who would suppose we were blockaded for ten months, and are threatened with invasion by a numerous army? That's what we might call dancing on a volcano."⁷¹

But the city authorities were now ready to show their disapproval of dancing on volcanoes. On March 2 the Mayor issued a proclamation forbidding all masking on Mardi Gras, the purpose being "to prevent spies from coming among us in disguise. Besides, this is not the proper time for public demonstrations of jubilation."⁷² On Ash Wednesday the *Picayune* sadly observed that on the day before the police had been unable to find a single mask on the street, and that the people had looked as grave as the faithful Catholics coming from church with the ashes on their foreheads.⁷³

As a measure of further precaution, ten days later martial law was declared in the city and its neighboring parishes. All white men except unnaturalized foreigners were required to take an oath of allegiance to the Confederacy; no one was to be allowed to remain in the city who could not satisfy the provost-marschals of his loyalty; and all those who had come from any of the enemy states since May 21, 1861, were required to get special permits to remain. Finally—and this requirement must have changed the life of many people in New Orleans—all liquor places were to be closed at 8 p. m.⁷⁴ Although military rule seems generally to have been accepted with fairly good grace, the *Picayune* soon reported hearing daily complaints against the patrols which policed the city at night.⁷⁵

It was not, however, simply interference with their pleasure and personal liberties that troubled the people. By the spring of

⁷⁰ *Picayune*, Feb. 21, 1862.

⁷¹ *Ibid.*, Feb. 11, 1862.

⁷² *Ibid.*, Feb. 28, March 2, 1862.

⁷³ *Ibid.*, March 5, 1862.

⁷⁴ Dept. No. 1, C. S. A. General Orders Nos. 10 and 11, *O. R. A.*, Ser. I, v. 6, pp. 857-858, 860-861.

⁷⁵ Gen. Lovell to Benjamin, New Orleans, March 22, 1862, *ibid.*, 865; *Picayune*, April 8, 1862.

1862 the blockade "had closed in like a prison-gate," and "there had come a great silence upon trade."⁷⁶ Receipts from the interior had shrunk, and—except for some trading in sugar and rice, and cotton, which was stuck in the presses and warehouses—commerce was dead.⁷⁷ There had been no gold and silver for a long time, and the city was full of paper money,—Confederate, state, and city.⁷⁸ "The current joke was that you could pass the label of an olive-oil bottle, because it was greasy, smelt bad, and bore an autograph."⁷⁹ Prices were high; speculation and profiteering were common; and, especially since the Federal occupation of Tennessee, food had become very scarce.⁸⁰

Early in April the stricken city heard the news of the Confederate defeat at Shiloh. And not long afterwards the funeral procession of General Albert Sidney Johnston passed "slowly up St. Charles street behind the muffled drums, while on the quivering hearts" of the people "was written as with a knife the death-roll of that lost battle. . . . The war was coming very near."⁸¹

CHAPTER II

THE CAPTURE

During the first few months of the war the Confederate officials had been right in thinking that the Federals were planning to attack New Orleans from above. An approach from the Gulf was not seriously considered in Washington until fall, when the capture of Hatteras and Port Royal showed that it was possible for wooden ships to pass the fire of shore batteries with a good chance of success.⁸² Then, about the middle of November, Commander David D. Porter returned from the Gulf with the latest information about the defenses at New Orleans, and with a strong

⁷⁶ George W. Cable, "New Orleans Before the Capture," in Robert U. Johnson and Clarence C. Buel, eds., *Battles and Leaders of the Civil War* (4 v., New York, 1887), II, 16.
⁷⁷ For example, during the week ending April 26, only 690 bales of cotton were received at New Orleans, as compared with 15,600 for the corresponding week the year before. (*Picayune*, April 26, 1862.)

⁷⁸ Among the last of the southern banks to do so, the New Orleans banks had suspended specie payments in September, 1861, at the request of the Treasury Department in Richmond. (John C. Schwab, *The Confederate States of America 1861-65: A Financial and Industrial History of the South During the Civil War*, New Haven, 1913, pp. 140-141.)

⁷⁹ Cable, in *Battles and Leaders*, II, 17.

⁸⁰ Bee, May 13, 1862; *Picayune* April 27, 1862; Lovell to Randolph, New Orleans, April 11, 1862, *O. R. A.*, Ser. I, v. 53, pp. 800-801.

⁸¹ Cable, in *Battles and Leaders*, II, 18.

⁸² Welles to G. V. Fox, Hartford, Conn., July 8, 1871, in "Letters of Gideon Welles," *The Magazine of History, with Notes and Queries*, v. 27, no. 1, Extra Number—no. 105, pp. 14-15. Gustavus V. Fox, Assistant Secretary of the Navy, is said to have believed for some time that ships could pass shore batteries successfully. (Alfred T. Mahan, *Admiral Farragut*, New York, 1892, p. 118; John G. Nicolay and John Hay, *Abraham Lincoln, A History*, 10 v., New York, 1890, V. 252.)

belief that an attack should be made.⁸³ Porter's opinion gave a new stimulus to the discussion, and a few days later it was definitely decided to undertake the expedition.⁸⁴

Arrangements now began to be made in careful secrecy. Porter was sent immediately to Philadelphia and New York to organize a mortar flotilla, which was to accompany the main fleet.⁸⁵ In the middle of December, after much consideration, Captain David G. Farragut was called to Washington and confidentially given command of the expedition.⁸⁶ Farragut was a veteran officer, having begun his career at the age of eleven as a midshipman in the War of 1812. But he and his wife were both southern; and, though at the outbreak of war he had left his Norfolk home and gone to New York, some seem to have doubted the wisdom of sending him against New Orleans. He was, nevertheless, warmly supported by Fox and Porter, and Welles had apparently been much impressed by his refusal to go with Virginia and the South.⁸⁷ Farragut himself, moreover, was enthusiastic about the expedition and entered into the plans eagerly.⁸⁸

In order to preserve secrecy, Farragut's first official orders gave him only the command of the western part of the newly divided Gulf Blockading Squadron.⁸⁹ It was not until January 20 that he was definitely instructed to attack New Orleans. "Destroy the armed barriers," exhorted Welles, "which these deluded people have raised up against the power of the United States Government, and shoot down those who war against the Union, but cultivate with cordiality the first returning reason which is sure to follow your success."⁹⁰ With these fighting words as an incentive, on February 2 Farragut sailed from Hampton Roads for the South.⁹¹

⁸³ David D. Porter, "The Opening of the Lower Mississippi," in *Battles and Leaders*, II, 23; "Letters of Gideon Welles," 15. Porter evidently had had the idea of an expedition in mind as early as the preceding summer. (Porter to Fox, S. W. Pass, Mississippi River, July 5, 1861, in Robert M. Thompson and Richard Wainwright, eds., *Confidential Correspondence of Gustavus Vasa Fox, Assistant Secretary of the Navy, 1861-1865*, 2 v., New York, 1928-29, II, 74; John R. Bartlett, "The 'Brooklyn' at the Passage of the Forts," in *Battles and Leaders*, II, 60n.)

⁸⁴ "Letters of Gideon Welles," 16; Porter, in *Battles and Leaders*, II, 24-25.

⁸⁵ Welles to Porter, Washington, Nov. 18, Dec. 2, 1861, O. R. N., Ser. I, v. 18, pp. 3-4.

⁸⁶ Welles to Farragut, Washington, Dec. 15, 1861, *ibid.*, 4; "Letters of Gideon Welles" 17; Mahan, *Farragut*, 123-125.

⁸⁷ *The Diary of Gideon Welles* (3 v., Boston and New York, 1911), II, 116-117; Porter in *Battles and Leaders*, II, 26-28.

⁸⁸ "Letters of Gideon Welles," 17; Mahan, *Farragut*, 124.

⁸⁹ Welles to Farragut, Washington, Dec. 23, 1861, Jan. 9, 1862, O. R. N., Ser. I, v. 18, pp. 4, 5.

⁹⁰ Welles to Farragut, Washington, Jan. 20, 1862, *ibid.*, 8.

⁹¹ *Report of the Secretary of the Navy, With an Appendix Containing Reports from Officers*, December, 1862 (Washington, 1863), 14.

A few weeks later he was followed by Major-General Benjamin F. Butler, who had been given the command of the military forces which were to assist in the attack. Butler was a prominent Massachusetts Democrat, who on the outbreak of war had become a staunch Unionist; and who, like many other Civil War officers, had obtained his place more through political influence than military experience. At the time of the New Orleans expedition he had been having a heated public controversy with Governor Andrew of Massachusetts over a commission he had received to recruit troops in New England.⁹² And it is probable that the Washington authorities were glad to send him off to the Gulf.⁹³

Delayed by several mishaps on the sea, Butler did not reach Ship Island, where the forces were gathering, until March 21.⁹⁴ By that time Farragut had left and was at the mouth of the Mississippi trying to get his ships across the sand bars.⁹⁵ This was a very difficult task for the heavier ships, and it was not until April 8 that they were all safe at the Head of the Passes.⁹⁶ About a week later Butler arrived with his troops, and everything was ready for the attack.⁹⁷

On the morning of the eighteenth, with his mortar fleet anchored around a bend in the river, Porter began to bombard Forts Jackson and St. Philip. For six days the firing continued furiously, the shells falling mainly on Fort Jackson, which was nearer and larger than St. Philip. But, despite the damage done on the outside, the garrison remained within the casemates, returning the fire as well as it could and giving no sign of surrender.⁹⁸ Now Farragut's orders had expressly stipulated that the defenses were to be reduced before an approach to the city itself was made.⁹⁹ But by the twentieth Porter was losing confidence in the mortars, and by the twenty-third Farragut had determined to attempt a passage of the forts with his fleet.¹⁰⁰

⁹² For an account of this controversy see A. Howard Meneely, *The War Department, 1861: A Study in Mobilization and Administration* (New York, 1928), 213-221.

⁹³ Butler himself wrote that before he left Washington he heard R. B. Marcy, Chief of Staff, quoted as saying, "I guess we have found a hole to bury this Yankee elephant in." (Benjamin F. Butler, *Butler's Book*, Boston, 1892, p. 336.)

⁹⁴ Butler to Stanton, Ship Island, April 13, 1862, *O. R. A.*, Ser. I, v. 6, pp. 708-709.

⁹⁵ Farragut to Welles, South West Pass, March 14, 1862, *O. R. N.*, Ser. I, v. 18, pp. 64-65.

⁹⁶ Farragut to Welles, Head of the Passes, April 8, 1862, *ibid.*, 109. The Head of the Passes is the point at which the river splits into five main channels called "passes," to empty into the Gulf.

⁹⁷ Butler to Stanton, Off to Passes, Mississippi Delta, April 18, 1862, *O. R. A.*, Ser. I, v. 6, p. 710.

⁹⁸ Porter to Welles, Forts Jackson and St. Philip, April 30, 1862, *O. R. N.*, Ser. I, v. 18, pp. 361-367.

⁹⁹ Welles to Farragut, Washington, Jan. 20, 1862, *ibid.*, 7-8.

¹⁰⁰ Porter to Welles, Forts Jackson and St. Philip, April 30, 1862, *ibid.*, 367; Farragut to Welles, New Orleans, May 6, 1862, *ibid.*, 155-156.

At two o'clock on the morning of April 24 the ships were to advance. It was a clear spring night. The moon, in its last quarter, cast only a dim light over the river and swamps. In two divisions, the fleet moved up.¹⁰¹ General Butler, watching from his ship below, thought the "sublimity of the scene" could "never be exceeded."¹⁰² The firing began. The Confederate ships came down. An improvised ram, the *Manassas*, moved about among the Union ships, doing what damage it could; while the unfinished ironclad *Louisiana* lay tied to the shore, almost useless.¹⁰³ "The fire became general," wrote Farragut, "the smoke dense, and we had nothing to aim at but the flash of their guns; it was very difficult to distinguish friends from foes. . . . It was a kind of guerrilla; they were fighting in all directions."¹⁰⁴ At one point Farragut's flagship, the *Hartford*, ran aground and caught fire from a burning raft pushed against her side by an enemy tugboat. But by quick action the fire was put out, and the ship backed off the bar and continued up the river.¹⁰⁵

By dawn the forts were passed, and the major part of the battle was over. For years afterwards the engagement was fought over and over again by participants, Union and Confederate. Official investigations were held, testimony taken, and argument seemed endless. Could the Confederates have won if the barrier between the forts had not broken? If Hollins had been allowed to come down the river, could he have saved the day? Who should have more credit, Farragut for his passage of the forts, or Porter for his bombardment? Did Porter think the forts should be passed, unreduced? Or was the idea all Farragut's own? These questions, and many like them, will probably never be finally answered. But their solution, now that the veterans are dead, is a task for the military and naval historians.¹⁰⁶ Here the concern is rather with the people of New Orleans and how they faced their fate.

¹⁰¹ Farragut to Welles, New Orleans, May 6, 1862, *ibid.*, 156; Porter in *Battles and Leaders*, II, 41; Capt. Thomas T. Craven to his wife, Natchez, Miss., May 16, 1862, *O. R. N.*, Ser. I, v. 18, p. 196.

¹⁰² Butler to Stanton, Forts Jackson and St. Philip, April 29, 1862, in *Private and Official Correspondence of Gen. Benjamin F. Butler During the Period of the Civil War* (5 v., Privately issued, 1917), I, 426.

¹⁰³ Commander John K. Mitchell to Mallory, Greensboro, N. C., Aug. 19, 1862, *O. R. N.*, Ser. I, v. 18, pp. 294-295.

¹⁰⁴ Farragut to Welles, New Orleans, May 6, 1862, *ibid.*, 156-157.

¹⁰⁵ Farragut to Welles, New Orleans, April 25, 1862, *ibid.*, 154.

¹⁰⁶ The second volume of *Battles and Leaders*, already referred to, contains the accounts of various participants on both sides; while the *Official Records*, of both the Army and Navy, contain contemporary reports and correspondence, as well as testimony taken in the official Confederate investigations. The most detailed technical account is given in Alfred T. Mahan, *The Gulf and Inland Waters* (New York, 1883), Chap. III. More general accounts of the expedition and battle are found in Mahan, *Farragut*, Chap. VII, and in James R. Soley, *Admiral Porter* (New York, 1903), Chap. VII.

In war the truth is seldom told anywhere. And it was not to be expected that the officials at New Orleans should tell the people all they knew and feared. When word came that the Federal fleet was at the mouth of the river, General Lovell sent more calls to Richmond for aid. On April 1, while Farragut's ships were gathering below the forts, Governor Moore wired to Davis for arms, saying, "Now that thirty-seven sail of the enemy are in the river, in God's name, in the name of my State, I ask you to order them to be sent to me immediately."¹⁰⁷ Yet, on the same day that Moore was making this frantic appeal, the *Delta* was calmly writing that, though doubtless Porter intended to attack the forts, there were "no fears of a bad result to our side"; that the forts were "in excellent condition, with good guns, and . . . a large number of men and officers, who are thoroughly disciplined both in the artillery and infantry branches of the service."¹⁰⁸ Aside from the protection offered by "the appliances of war," the *Crescent* thought the climate would "check the rapacity of the Hessian invaders."¹⁰⁹ In this possibility of getting good for once from the heat and mosquitoes, the *Bee* also took comfort, saying that the Northern and Western men would "never confront the hideous perils of a New Orleans epidemic."¹¹⁰

Whether these newspaper assurances were intentionally deceptive or not, the general public was not unduly alarmed during the first two weeks in April. They were certainly not happy, for, as George W. Cable put it, "There was little to laugh at."¹¹¹ But they were apparently not afraid. "We . . . knew," wrote Cable, "the enemy was closing down upon us. Of course we confronted the fact very valorously, we boys and mothers and sisters—and the newspapers. . . . Nothing afloat could pass the forts. Nothing that walked could get through our swamps."¹¹² On April 15 the *Bee* wrote: "Never was New Orleans a more quiet place than now. . . . It was reported in the morning that the forts below received on Sunday the visit of six or seven Federal vessels, which retired, however, after exchanging a few shots with our men. Notwithstanding this report, the Academy of Music was crowded in the evening, and the house seemed to enjoy the activity of the

¹⁰⁷ Moore to Davis, New Orleans, April 1, 1862, *O. R. A.*, Ser. I, v. 6, p. 869.

¹⁰⁸ *Delta*, April 1, 1862.

¹⁰⁹ *Crescent*, April 1, 1862.

¹¹⁰ *Bee*, April 16, 1862.

¹¹¹ Cable, in *Battles and Leaders*, II, 19.

¹¹² *Ibid.*

Queen Sisters as much as if the Yankees were not in our neighborhood.”¹¹³

In a few days the Yankees stirred up more trouble in the neighborhood than simply exchanging a few shots with the men at the forts. On the morning of the eighteenth Porter began his bombardment. Soon the news reached New Orleans, and that night “there was vivid excitement on Canal and St. Charles streets.”¹¹⁴ For the next day or so the city was at fever heat. Rumors flew about. Crowds gathered in the streets. The newspapers were harried with inquiries for the latest news “from below.”

As the days passed and the forts still held out, the people began to feel a little more secure. From Fort Jackson General J. K. Duncan sent a reassuring dispatch, which was published in the papers. According to Governor Moore, the purpose of this report was “to allay the public sentiment of distrust and to prevent a panic . . . and it succeeded.”¹¹⁵ The *Picayune*, too, thought it had a “cheering effect,” and that it “gave increased confidence to those who have always been confident of our ability to repel the invader in his attempt to ascend the river. . . .”¹¹⁶

The New Orleans newspapers, indeed, did their best to encourage the people. The *Crescent* reported smugly: “One of our old bankers has got a fine, sleek-looking mule, and can be seen any afternoon with his darky riding about town. It looks patriotic and independent.”¹¹⁷ The *Picayune* wrote disdainfully of the enemy: “We cannot say much for their chivalry. Their mortar vessels lie behind a point of woods, entirely concealed from us, and out of the range of our guns. So much for their generosity. They show more gallantry in fighting their gunboats, which, however, we drove back six times yesterday, and three or four times already this morning. . . .”¹¹⁸ On the twenty-second the *Crescent* said it was not “deemed advisable to talk of what is going on;”¹¹⁹ and two days later, evidently looking for cheerful thoughts, wrote:

Like a young tree, which will grow despite storms and wounds and impediments of a thousand kinds, this city continues to grow even in adversity, because the germ of development is so powerfully planted in her nature. It requires no prophet's eye to look forward to the future of her destiny

¹¹³ *Bee*, April 15, 1862.

¹¹⁴ *Ibid.*, April 19, 1862.

¹¹⁵ Moore Testimony, *O. R. N.*, Ser. II, v. 1, p. 613.

¹¹⁶ *Picayune*, April 21, 1862.

¹¹⁷ *Crescent*, April 22, 1862.

¹¹⁸ *Picayune*, April 23, 1862.

¹¹⁹ *Crescent*, April 22, 1862.

and see her sitting in splendor, the metropolis of the Valley and the queen of the Gulf. The commerce of a hundred States must pass through her gates and the world must communicate through her with all the vast interior of the North American continent. . . . Nature has done much for New Orleans. With enterprise and foresight, she ought to become the largest and wealthiest city in the world.¹²⁰

This paean was hardly off the press when word came that the forts had been passed. The city was panic-stricken. The fire-bells were rung twelve times to call out the guards. Young George Cable, store-clerk, was left behind the counter while all the men rushed out. Mary Newman, schoolteacher, dropped her books, snatched her bonnet, and "fairly flew" home from school. In Annunciation Square the local guards were thrown into confusion, "some packing up clothes, others tearing down tents, and still others hurrying to and fro, all eager and anxious for orders to start for the Jackson Rail Road." At the wharves boats got up steam and made ready to leave.¹²¹

The military authorities, like the people were in commotion. They ordered all cotton to be burned and prepared to remove Government supplies.¹²² General Lovell, who had been at the forts, hurried back, determined to evacuate the city. He was convinced, as soon as the forts were passed, that New Orleans was lost. All possible defense had been concentrated there. The earthworks at Chalmette just below the city had only twelve guns and very little powder. Resistance on land was out of the question, since the river had risen to the top of the levees and therefore the guns of a single ship could command the Jackson railroad, which was the only land outlet New Orleans had. Besides, there were in the city only about three thousand poorly organized militia, armed mainly with shotguns. Finally, there was food enough to last the people only eighteen days; and, with the enemy fleet in the river, there was no hope of getting any more from Texas and the Red River valley, which had been the main sources of supply.¹²³ There was no doubt about it: whoever controlled the river, controlled New Orleans.

¹²⁰ *Ibid.*, April 24, 1862.

¹²¹ Anonymous diary, entry of April 25, 1862, in *Southern Historical Society Papers*, XXIII, 182; Cable, in *Battles and Leaders*, II, 19; letter of Mary Newman to her sister Alice, New Orleans, May 28, 1862, *MS.*, B. F. Butler Papers, Library of Congress.

¹²² Maj.-Gen. J. L. Lewis to Brig.-Gen. A. G. Powell, New Orleans, April 24, 1862, *Butler Correspondence*, I, 422; Testimony of Lieut.-Col. W. S. Lovell, *O. R. A.*, Ser. I, v. 6, p. 597.

¹²³ Lovell to S. Cooper, Adj. and Insp. Gen., Vicksburg, Miss., May 22, 1862, *O. R. A.*, Ser. I, v. 6, pp. 514-515; Lovell Testimony, *ibid.*, 565-566.

Though food was scarce, there was plenty of cotton which the authorities were determined not to let the Yankees get. All the afternoon drays were bumping down to the waterfront, where the bales were to be burned. Toward evening George Cable closed the store and went to the levee to watch. As fast as they could, the teamsters came, dumped their loads, and went back for more. The fire leapt higher and higher, lighting the sky for miles around. Even on "the farther shore of Lake Pontchartrain," wrote Cable, the glare "set men and women weeping and wailing."¹²⁴ All night and into the next day the fire lasted. And by the time it was over thirteen thousand bales had gone.¹²⁵

By morning the people were in a frenzy. They had been ordered to be at home by nine the evening before,¹²⁶ but many of them, paying no attention, had been in the streets all night watching the fires and commotion. They were exhausted, frightened, and angry. They felt that they had been betrayed. Hadn't General Duncan said things were going well at the forts? Hadn't the newspapers told them that they were safe? "We have been sold, treacherously sold . . .," wrote one.¹²⁷ "Too bad," wrote another, "after all the promises to the contrary! We felt how cruelly we have been deceived."¹²⁸ One crowd, according to Cable, "Seeking some vent, some victim for its wrath," caught "a poor fellow at the corner of Magazine and Common streets, whose crime was that he looked like a stranger and might be a spy. He was the palest living man I ever saw. They swung him to a neighboring lamp-post, but the Foreign Legion was patrolling the town in strong squads, and one of its lieutenants, all green and gold, leaped with drawn sword, cut the rope, and saved the man."¹²⁹

In the midst of this hysteria, the newspapers plead for calm. The *Crescent*, playing Pollyanna, said it had been expected that a few of the enemy's boats would pass the forts; but that surrender was by no means inevitable. "Has every one," it asked, "deliberately considered the dishonor that would attach to all who should consent to its surrender—no matter under what circumstances?

¹²⁴ Diary, Entry of April 25, 1862, *Sou. Hist. Soc. Papers*, XXIII, 182-183; Cable, in *Battles and Leaders*, II, 19-20.

¹²⁵ *Bee*, May 16, 1862.

¹²⁶ *Crescent*, April 25, 1862.

¹²⁷ Letter of Mary Newman to her sister, Alice, New Orleans, May 28, 1862, MS., Butler Papers, Library of Congress.

¹²⁸ Marion Southwood (A Lady of New Orleans), "Beauty and Booty": *The Watchword of New Orleans* (New York, 1867), 19.

¹²⁹ Cable, in *Battles and Leaders*, II, 20. The "Foreign Legion" referred to was a local militia organization made up of foreigners who were not subject to regular army call, and who had for some time aided in policing the city.

Have we fallen so low—are we so poor in spirit—that a few gun-boats of an enemy shall shake us in our fidelity and resolution? We do not believe it! 'While the Coliseum stands, Rome will stand.' Let us stand firm. Let us bear ourselves as becomes people worthy of freedom. If the struggle for liberty which we are making is not a farce, let eternal disgrace, dishonor, and infamy rest upon the man who will consent, let what will come, to the surrender of this great city, the storehouse of the Mississippi Valley, to the enemy who are at our gates."¹³⁰ The *Picayune*, though more restrained than the *Crescent*, tried to cheer the people by a report that only two enemy gunboats had been seen on the way up the river, and that one of them was in a sinking condition. In any case, until more reliable news came, it urged the populace to refrain from "undue excitement."¹³¹

Mobs, once aroused, are seldom quieted by such words. All the morning the levee was chaotic. Boats that could get away were leaving, loaded with refugees and freight; while most of the others were being burned, to keep the enemy from using them. With or without the permission of the owners, the rabble broke into the barrels and hogsheads and helped themselves to rice, meat, sugar, molasses, and tobacco. Men, women, and children came to loot. The Free Market, by which the poor of New Orleans had so long been fed, had taken on a new form: it was now free for all.¹³²

In normal times New Orleans was hard enough to control.¹³³ But on this occasion, with only a few ill-armed troops, most of whom had to be sent from the city to avoid capture, the officials were virtually helpless. For the time being, anyhow, it must have seemed preferable to save what they could of supplies and troops for the Confederacy than to make what would probably be a futile effort to enforce order in the city. It is probable, too, that many of the officials were as excited and distraught as the people themselves. At any rate, apparently the only attempt to restore order that approached being effective was that of the "Foreign Legion", which seems to have done as good a job as could have been expected at the time.¹³⁴

¹³⁰ *Daily Crescent*, April 25, 1862.

¹³¹ *Picayune*, April 25, 1862.

¹³² Diary, Entry of April 25, 1862, *Sou. Hist. Soc. Papers*, XXIII, 183; *Bee*, April 26, 1862.

¹³³ For crime and violence in New Orleans see statistics quoted from the *Crescent*, June 18, 1860, in Ulrich B. Phillips, *Life and Labor in the Old South* (Boston, 1929), 151, n. 2.

¹³⁴ *Bee*, April 26, 1862.

Toward noon the Federal ships could be seen around the bend, exchanging shots with the batteries at Chalmette. For a time the defenders kept up a spirited firing, but their powder soon ran out and the guns were silenced.¹³⁵ As Farragut approached the city, his way was impeded only by burning ships and rafts which were floating down the river. Among these was an unfinished ironclad, the *Mississippi*, upon which the Confederates had put much store.¹³⁶ It was a grim sight for the people on the levee. "Thousands of persons, of all nations and various colors, were collected, with sombre looks and determined faces, to look upon the scene. . . . Masses of black smoke were issuing from the immense quantity of cotton which was burning upon the wharves; the plank flooring black and slippery with cinders and water."¹³⁷ "The dusky, long, morose, demonlike Yankee steamers" soon lay "like evil messengers of woe" in front of the city.¹³⁸

Soon after the ships had anchored Farragut sent his senior officer, Captain Theodorus Bailey, ashore to demand the surrender of the city. Accompanied only by Lieutenant George Perkins, Bailey landed under a flag of truce. As they walked from the wharf to the City Hall, the crowd jeered and shouted. Cheering for Davis and Beauregard and groaning for Lincoln, they yelled, "Hang them! Hang them!" at Bailey and Perkins. Cable wrote that the officers walked on, "looking not to the right or left, never frowning, never flinching, while the mob screamed in their ears, shook cocked pistols in their faces, cursed and crowded, and gnashed upon them."¹³⁹ Perkins himself said, "We both thought we were in a *bad fix* but there was nothing for us to do but just go on."¹⁴⁰

At the City Hall the Federal officers were received by Mayor John T. Monroe and a group of councilmen and members of the Committee of Safety, including Pierre Soulé. As Farragut's representative, Bailey demanded the surrender of the city, the removal of the State flag from over the City Hall,¹⁴¹ and the

¹³⁵ For accounts of this engagement see Report of Brig. Gen. M. L. Smith to Maj. J. G. Pickett, Asst. Adj. Gen., Camp Moore, Tangipahoa, La., May 6, 1862, *O. R. A.*, Ser. I, v. 6, pp. 553-554; and Farragut to Welles, New Orleans, May 6, 1862, *O. R. N.*, Ser. I, v. 18, p. 158.

¹³⁶ Farragut to Welles, New Orleans, May 6, 1862, *O. R. N.*, Ser. I, v. 18, p. 158.

¹³⁷ Southwood, "Beauty and Booty," 20-21.

¹³⁸ Diary, Entry of April 25, 1862, *Sou. Hist. Soc. Papers*, XXIII, 183.

¹³⁹ Cable, in *Battles and Leaders*, II, 21.

¹⁴⁰ Letter of Perkins, New Orleans, April 27, 1862, in George E. Belknap, ed., *Letters of Capt. Geo. Hamilton Perkins* (Concord, N. H., 1886), 70-71.

¹⁴¹ The State flag had been raised over the City Hall by the Mayor's secretary just as Farragut's fleet came in sight round the bend. (Marion A. Baker, "Farragut's Demands for the Surrender of New Orleans," in *Battles and Leaders*, II, 95.)

raising of the United States flag over the Post Office, the Custom-house, and the Mint. To this demand the Mayor replied that, since the city was under martial law, he had no authority to surrender; and that General Lovell was the proper person to see. When Lovell appeared shortly, he also refused to surrender, but added that he would withdraw all his troops and leave the city in the hands of the civil authorities.¹⁴² The buck having thus been passed back to him, Monroe told Bailey that he would submit the matter to the City Council and send a formal reply as soon as possible.¹⁴³

In the meantime, while these negotiations were going on, crowds were clamoring outside. They had, wrote Perkins two days later, "by this time become perfectly infuriated. They kicked at the doors and swore they would have us out and hang us! Of course Captain Bailey and I *felt perfectly at ease all this while!* Indeed, every person about us, who had any sense of responsibility, was frightened for our safety. As soon as the mob found out that General Lovell was not going to surrender, they swore they would have us out anyway; but Pierre Soulé and some others went out and made speeches to them, and kept them on one side of the building, while we went out the other, and were driven to the wharf in a closed carriage. Finally we got on board ship all right; but of all the blackguarding I ever heard in my life that mob gave us the worst."¹⁴⁴

The next morning, Saturday, the twenty-sixth, after two meetings of the City Council, a reply to Farragut was prepared.¹⁴⁵ Informing him that Lovell had evacuated the city with his troops, Monroe wrote:

I am no military man and possess no authority beyond that of executing the municipal laws of the city of New Orleans. It would be presumptuous in me to attempt to

¹⁴² Perkins thought Lovell "very pompous in his manner and silly and airy in his remarks." (Letter of Perkins, New Orleans, April 27, 1862, in *Perkins Letters*, 70-71.)

¹⁴³ Marion A. Baker, "Farragut's Demands for the Surrender of New Orleans," in *Battles and Leaders*, II, 95.

¹⁴⁴ Letter of Perkins, New Orleans, April 27, 1862, in *Perkins Letters*, 70-71.

A young Confederate sailor who was present describes Soulé's handling of the mob: "He appeared on the portico and was received with cheers. He raised his arm and that magic forefinger commenced to tremble and there was instant silence. I thought the finger would never stop trembling, but it was evident that as long as it did so it fascinated the attention of the crowd. I don't remember what he said, but I do recollect that he commenced his speech with the words, 'Sons of Louisiana,' when at last he broke the silence with his wonderful and sonorous voice, which had a strong French accent. Long before he had finished talking the United States officers were safely back on board of the *Hartford*." (Morgan, *Recollections of a Rebel Reefer*, 75-76.)

¹⁴⁵ Marion A. Baker, Monroe's secretary, says that the letter was actually written by Pierre Soulé, who was advising the Council during the negotiations. (Baker, in *Battles and Leaders*, II, 96.)

lead an army to the field if I had one at my command, and I know still less how to surrender an undefended place, held as this is at the mercy of your gunners and mouths of your mortars. To surrender such a place were an idle and unmeaning ceremony. The city is yours by the power of brutal force and not by any choice or consent of its inhabitants. It is for you to determine what shall be the fate that awaits her. As to the hoisting of any flag than the flag of our own adoption and allegiance, let me say to you, sir, that the man lives not in our midst whose hand and heart would not be palsied at the mere thought of such an act. . . . You will have a gallant people to administer during your occupation of this city; a people sensitive of all that can in the least affect its dignity and self-respect. . . . Peace and order may be preserved without a resort to measures which could not fail to wound their susceptibilities and fire up their passions. The obligations which I shall assume in their name shall be religiously complied with. You may trust their honor, though you might not count on their submission to unmerited wrong. . . . I beg you to understand that the people of New Orleans, while unable to prevent you from occupying this city, do not transfer their allegiance from the government of their choice to one which they have deliberately repudiated, and that they yield simply that obedience which the conqueror is able to extort from the conquered.¹⁴⁶

Just before this letter was ready to be sent, Lieutenant Albert Kautz and Midshipman John H. Read arrived at the City Hall with a communication from Farragut.¹⁴⁷ Evidently impatient of the delay, Farragut now renewed his demands of the previous day and urged the Mayor to restore order in the city.¹⁴⁸ Then, as soon as possible, Monroe dispatched the letter he had already written to Farragut, without any change except to acknowledge Farragut's and to add that he would soon reply.¹⁴⁹

The negotiations came to a standstill over Sunday, while Farragut evidently pondered what to do next. Writing to his family that day, Perkins said: "We may be in a bad fix now, if the forts do not fall, and it is not safe for any one to leave our ships and go anywhere in a boat. The mob rule in the city, and they are perfectly reckless. We are still feeling the effects of the excitement which the attack caused. Nothing is settled, and there is danger and risk about every movement."¹⁵⁰

¹⁴⁶ Monroe to Farragut, New Orleans, April 26, 1862, *O. R. N.*, Ser. I, v. 18, pp. 231-232.

¹⁴⁷ Baker, in *Battles and Leaders*, II, 96.

¹⁴⁸ Farragut to Monroe, New Orleans, April 26, 1862, *O. R. N.*, Ser. I, v. 18, pp. 230-231.

¹⁴⁹ Baker, in *Battles and Leaders*, II, 96; Monroe to Farragut, New Orleans, April 26, 1862, *O. R. N.*, Ser. I, v. 18, p. 232.

¹⁵⁰ Letter of Perkins, New Orleans, April 27, 1862, in *Perkins Letters*, 71-72.

In the meanwhile the people in the streets had not lacked excitement. Saturday morning a "posse" of "patriotic citizens" had the pleasure of tearing down from the mint an American flag, which had been placed there a few hours before by order of Farragut.¹⁵¹ "While they were so doing the Yankees sent three shots at the brave man who had climbed the pole to get the flag. Fortunately he was unhurt, and the flag met with the fate that should attend all Yankee bunting."¹⁵² The *Crescent*, reporting the incident was horrified that the shots should have been fired. "We could not," it wrote, "have believed that civilized people could have so far forgotten their dignity as to have permitted themselves to have endangered the lives of unoffending women and children, in thus wantonly firing into a city; but the fact was patent—the deed was done."¹⁵³

Shortly after the flag was torn down, some of the mob busied themselves outside the City Hall, shouting and threatening Farragut's emissaries, Lieutenant Kautz and Midshipman Read. Like Bailey and Perkins the day before, Kautz and Read had to be hurried out of a rear door to their ship.¹⁵⁴ On the same hectic day a group of men who had just returned from Beauregard's army was said to have appeared on the levee with a Confederate flag and a band, "to give vent to their feeling in the face of the Federals." Whereupon sharpshooters from one of the enemy vessels opened fire, killing one and wounding two others. Complaining again of the Yankee reaction to a "harmless exhibition of patriotism," the *Crescent* said: "We do not commend the action of the young men who provoked this unfortunate affair, but we cannot refrain from condemning the cruelty of the parties who could level their guns at a crowd for the fault of two or three."¹⁵⁵

Sunday seems to have been comparatively quiet. The people must have been tired. But Monday the excitement began all over again. Farragut sent a sharp note to Monroe, in which he deeply regretted the evident determination of the city authorities

¹⁵¹ Diary, Entry of April 26, 1862, *Sou. Hist. Soc. Papers*, XXIII, 185; Farragut to Capt. Henry W. Morris, New Orleans, April 26, 1862, and Farragut to Fox, April [26], 1862, *O. R. N.*, Ser. I, v. 18, pp. 237-238, 154. The Farragut-Fox letter is dated April 25 in the *O. R. N.*, but from its contents, at least the part referring to the flag-raising, was clearly written on the 26th.

¹⁵² Diary, Entry of April 26, 1862, *Sou. Hist. Soc. Papers*, XXIII, 185.

¹⁵³ *Crescent*, April 28, 1862. The *Picayune* on the 27th gave high praise to those who had torn the flag down.

¹⁵⁴ Albert Kautz, "Incidents of the Occupation of New Orleans," in *Battles and Leaders*, II, 92-93; Baker, in *ibid.*, II, 96-97.

¹⁵⁵ *Crescent*, April 28, 1862.

not to remove the Louisiana flag; and protested the conduct of the people in pulling the flag down from the mint and in insulting Union officers. In concluding, he threatened "that the fire of this fleet may be drawn upon the city at any moment, and in such an event the levee would, in all probability, be cut by the shells, and an amount of distress ensue to the innocent population which I have heretofore endeavored to assure you that I desired by all means to avoid. The election is therefore with you, but it becomes my duty to notify you to remove the women and children from the city within forty-eight hours if I have rightly understood your determination."¹⁵⁶

To this ultimatum Monroe replied that he had not known before that Farragut had ordered the flag to be placed on the mint;¹⁵⁷ and that he considered such an order, given while surrender negotiations were still pending, to be "a flagrant violation of those courtesies, if not of the absolute rights which prevail between belligerents under such circumstances." The demand to remove the women and children in forty-eight hours was obviously inane and impossible to carry out. "Our women and children can not escape from your shells if it be your pleasure to murder them on a question of mere etiquette; but if they could, there are but a few among them who would consent to desert their families and their homes and the graves of their relations in so awful a moment. . . . We will stand your bombardment, unarmed and undefended as we are. The civilized world will consign to indelible infamy the heart that will conceive the deed and the hand that will dare to consummate it."¹⁵⁸

When the terms of Farragut's ultimatum became known the people were more furious than ever. The foreign consuls, who had been warned to remove their families, protestingly referred to the threat of bombardment as an "unheard of act" against a defenseless and virtually surrendered city.¹⁵⁹ The women were irate. A large number of them, "including many of the wealthiest, fairest, and highest in social position," sent a petition to the City

¹⁵⁶ Farragut to Monroe, New Orleans, April 28, 1862, *O. R. N.*, Ser. I, v. 18, pp. 232-233.

¹⁵⁷ Baker, Monroe's secretary, says that Farragut had told him on the 26th that the flag had been placed on the mint, without his knowledge by his men "flushed with victory," and that he could not order it down. ". . . it is certain," says Baker, "that the impression obtained at the City Hall that the act was entirely unauthorized." (*Battles and Leaders*, II, 96, and n.) Baker may or may not be correct in his story and Monroe may or may not have been bluffing in the letter above. But, in any case, it is clear from Farragut's letter to Fox and his order to Morris, cited above, footnote 151, that Farragut did order the flag to be placed on the mint.

¹⁵⁸ Monroe to Farragut, New Orleans, April 28, 1862, *O. R. N.*, Ser. I, v. 18, pp. 234-235.

¹⁵⁹ The Consuls to Farragut, New Orleans, April 28, 1862, *ibid.*, 238-239.

Council, urging it not to lower the flag.¹⁶⁰ One of the signers wrote in her diary, "The blood boiled in my veins—I felt no fear—only anger."¹⁶¹ The *Picayune* was angry, too. The city would not humble itself. As for the threat of bombardment, it declared: "These are the amenities of the Union to which we are invited. No wonder whether it can possibly enter into the conception of any man at the North that there is any man in the South, not utterly vile, willing to sit down under any wrong and outrage, infamous and contented, who would consent to entertain the thought of living in political communion with the race to whom such means occur as fit for the subjugation of an unwilling people to their sway."¹⁶² To the *Crescent* Farragut was a "creature of accidental success," who would not be satisfied until the people of New Orleans had licked "the very dust." But certainly neither the "fear of death" nor the "terrors of seeing their wives and little ones slaughtered" before their eyes could bring them to "such a despicable state of abjectness."¹⁶³

Despite all this arrogant and defiant talk, there were many who were quite willing to desert the city. The *Crescent* reported two days later that thousands had been prevented from leaving on account of lack of transportation, and that boats of all kinds were being rented at exorbitant prices to take people across the lake. "Sailing crafts, which in ordinary times could be chartered for twenty dollars were taken up at one hundred and fifty dollars. Schooners which would be well paid at fifty to seventy-five dollars for a trip of three or four days, were hired at a price of three hundred dollars for two days' service."¹⁶⁴

On Tuesday morning, while this exodus was still in progress, word came that the forts had surrendered. For four days the Confederate officers had refused to give up. In the meantime Porter had sent several boats around through the bayous to the rear of Fort Jackson, while Butler made a similar move, with troops, behind St. Philip. The bombardment itself, except for desultory firing, had been suspended. During this lull the morale of the men at Fort Jackson began to break. Rumors came that the city had surrendered. Soon ships appeared behind St. Philip, and troops began to land. It was evident that an attack was

¹⁶⁰ *Picayune*, April 29, 1862.

¹⁶¹ Kate M. Rowland and Mrs. Morris L. Croxall, eds., *Journal of Julia LeGrand—New Orleans, 1862-1863* (Richmond, Va., 1911), 42.

¹⁶² *Picayune*, April 29, 1862.

¹⁶³ *Crescent*, April 29, 1862.

¹⁶⁴ *Ibid.*, April 30, 1862.

going to be made on two sides at once. The men were afraid that the officers would still refuse to surrender and that they would all be butchered. At midnight on the twenty-seventh the garrison at Fort Jackson revolted, began to spike the guns and leave. The officers and the chaplain, Father Nachon, pleaded in vain. Only half of them stayed at their posts, and they were obviously demoralized. The next morning the forts were formally surrendered.¹⁶⁵

In his report, the commander, General Duncan, commented on the conduct of his men with enough lenience to indicate that he may have had some sympathy with them. "I must . . . bear testimony, with which the men performed their duties throughout the bombardment and up to the sad night when they took the rash and disgraceful step of rising against their officers, breaking through all discipline, and leading to such disastrous and fatal consequences. I can charitably account for it only on the grounds of great reaction after the intense physical strain of many weary days and nights of terrible fire, through which they were necessarily subjected to every privation from circumstances beyond our control, but which they had not the moral courage to share and sustain with their officers, all of whom were subjected to the same hardships in every particular."¹⁶⁶

The surrender of the forts changed the situation at New Orleans immediately. Now there was no longer need for Farragut to threaten bombardment. He could go ahead, assured that Butler would soon arrive with troops enough to occupy the city effectively. Accordingly, informing the Mayor of his intention to take formal possession,¹⁶⁷ he sent a detachment of sailors and marines ashore. Protected by two howitzers the landing party moved through crowds of quiet, sullen people to the Customhouse. Having raised the flag, they proceeded to the City Hall in Lafayette Square. There the Union men lined up in front of the building in St. Charles Street, while the shining brass cannon were placed so as to command the street in either direction. Captain Bell went in to ask Monroe for the last time to lower the State flag.

¹⁶⁵ Report of Brig. Gen. J. K. Duncan to Maj. J. G. Pickett, New Orleans, April 30, 1862, *O. R. A.*, Ser. I, v. 6, pp. 529, 534. For accounts of Porter's and Butler's operations see Report of Porter to Welles, Fts. Jackson and St. Philip, April 30, 1862, *O. R. N.*, Ser. I, v. 18, pp. 368-374; and Report of Butler to Stanton, Fts. Jackson and St. Philip, April 29, 1862, *O. R. A.*, Ser. I, v. 6, pp. 504-505.

¹⁶⁶ Duncan's Report to Pickett, New Orleans, April 30, 1862, *O. R. A.*, Ser. I, v. 6, pp. 333-334.

¹⁶⁷ Farragut to Monroe, New Orleans, April 29, 1862, *O. R. N.*, Ser. I, v. 18, p. 235.

Again the Mayor indignantly refused. And in a few minutes Lieutenant Kautz went to the roof, cut the halyards with his sword, and pulled the emblem down.¹⁶⁸

As the flag fell, the eyes of the crowd are said to have "dropped to the ground," while their hearts, minds, and souls were filled with indescribable sensations. "Old, gray-haired men wept tears of anguish—mothers, with babes in their arms, bedewed their offspring with great drops of affliction—the middle aged and the young of both sexes were lost in deepest woe, and the solemn silence of the scene, over all, gave the melancholy picture an air of sublime grandeur. . . ."¹⁶⁹ But when the troops withdrew and the Mayor came out to speak, the people relieved their pent emotions in a "long continued, deafening cheer."¹⁷⁰ That afternoon a despondent old Creole named Courcelle drowned himself. Ever since the Federals had first arrived, said the *Crescent*, he seemed to have lost his reason and had been "frequently heard to exclaim that he did not wish to see the flag of an enemy wave above his beloved city."¹⁷¹

The next day Farragut informed Monroe that there would be no further negotiations between them, and that General Butler would soon arrive to take charge.¹⁷² The people, worn and despondent, quieted down and seemed resigned. But in their silence the *Picayune* saw no hope for the enemy, but "unwelcome evidence . . . of the invincible determination that is unanimous here never to cease struggling until the Federal power, root and branch, is extinguished throughout the Confederate States. . . ."¹⁷³ After all, no citizen of New Orleans or Louisiana had raised the enemy flag. King Cotton, as the *Crescent* put it, might be "dethroned for the nonce," and perhaps even too much confidence had been placed in him.¹⁷⁴ But the war was not over yet.

¹⁶⁸ *Picayune*, April 30, 1862; *Crescent*, April 30, 1862; Kautz, in *Battles and Leaders*, II, 93-94; Baker, in *ibid.*, II, 98-99.

¹⁶⁹ *Crescent*, April 30, 1862.

¹⁷⁰ *Picayune*, April 30, 1862.

¹⁷¹ *Crescent*, May 1, 1862.

¹⁷² Farragut to Monroe, New Orleans, April 30, 1862, *O. R. N.*, Ser. I, v. 18, p. 236.

¹⁷³ *Picayune*, April 30, 1862.

¹⁷⁴ *Crescent*, April 30, 1862.

CHAPTER III

GENERAL BUTLER'S ARRIVAL

In the spring of 1917, when the emotions of another war were gripping the nation, a Union veteran stood in Washington reciting his memories for the Grand Army of the Republic. He recalled "the beautiful morning of May 1, 1862," when Butler and his troops had steamed up the Mississippi. "The birds were singing," he said, "and all seemed quiet and peaceful as we passed plantations and orange groves and saw the banks with their semi-tropical verdure. Our hearts were exultant. It seemed like a holiday."¹⁷⁵

That night many of them slept in the Customhouse.¹⁷⁶ To the men who for weeks had been huddled together in transports or in tents on the sands of Ship Island, these new quarters must have been a welcome relief. Though arriving at noon, Butler had waited till sundown to go ashore. It was best, he thought, when occupying a city where there was danger of mob attack, to land in the dark. Thus it would be harder for the crowd to gauge the number of troops or to organize effectively.¹⁷⁷ At any rate, whether because of the lack of open daylight or not, the people made no marked demonstration as the soldiers passed through the streets. They merely watched and listened to the band playing *Yankee Doodle*, an air they had not heard for a long time.¹⁷⁸

The next day Butler established his headquarters at the St. Charles Hotel. This hotel, which was one of the oldest and most famous in New Orleans, had been recently closed; and the proprietor was reluctant to open it. But, assured that his wishes would not affect the matter, he soon yielded. When shortly afterward the General brought Mrs. Butler in a carriage to their new residence, a large crowd had assembled. While the citizens indulged again in what now seemed to be their favorite sport of cheering Beauregard and Davis, a band on the piazza tried to drown their noise with *Yankee Doodle* and *The Star-Spangled Banner*. As a more practical answer to the Southerners a regiment was drawn up around the building and four howitzers placed in the street.¹⁷⁹

¹⁷⁵ James B. T. Tupper, *Civil War Memories*. A paper read before the Burnside Post, G. A. R., in Washington, D. C., May 9, 1917. (Pamphlet, no date), 5.

¹⁷⁶ *Picayune*, May 2, 1862.

¹⁷⁷ *Butler's Book*, 373-374.

¹⁷⁸ *Crescent*, May 2, 1862.

¹⁷⁹ *Delta*, May 3, 1862; Diary, Entry of May 3, 1862, *Sou. Hist. Soc. Papers*, XXIII, I, 439.

It was now time to continue where Farragut had left off in negotiating with the city authorities. Accordingly, with two companies of troops around the City Hall and sentries posted at the doors, one of Butler's officers went in to invite the Mayor to come to headquarters. At first Monroe, still trying to maintain dignity, refused to go to the St. Charles, except as a prisoner, insisting that the City Hall was the place to transact city business. But, on second thought and after consulting members of his Council, the Mayor decided to yield; and, taking the Chief of Police with him, he went to the hotel.¹⁸⁰

There, according to the *Picayune*, they were "politely received." Butler told Monroe that he had come to restore the state and city to the Union. He had no desire to be harsh and no intention of interfering with private rights or property. In the management of the city he asked for the Mayor's coöperation. But the Mayor was evidently not in a coöperative mood. He was still giving, as he had written Farragut, only that submission which the conqueror is able to extort from the conquered.¹⁸¹ He therefore told Butler that either he must be allowed to administer the city alone, or he must give it up entirely. In this *impasse*, they arranged to meet again that evening in the presence of the City Council.¹⁸²

After dinner the conference was held in one of the parlors at the St. Charles. On one side of the room in a large semicircle sat the Mayor, the Council, and Pierre Soulé, who was to be the chief spokesman for the city. Soulé, a native of France, was according to James Parton, in appearance and stature "not unlike Napoleon Bonaparte," only with very brilliant eyes and long, black hair. He had been Minister to Spain, Senator from Louisiana, and was especially popular among the Creoles of New Orleans for his courtesy and graceful manners. He had already in the last few days used his eloquence on the street mobs and was now called upon to work his charms on the visitors from the North.

¹⁸⁰ *Picayune*, May 3, 1862; *Butler's Book*, 374.

¹⁸¹ Monroe to Farragut, New Orleans, April 26, 1862, *O. R. N.*, Ser. I, v. 18, pp. 231-232.

¹⁸² *Picayune*, May 3, 1862. Neither Butler nor Parton, his apologist, gives any detail about this conversation with Monroe. Instead, they both dwell at some length on the unruly mob outside, which, Butler says, Monroe was unable to quiet with a speech from the balcony. The crowd, according to Butler, was brought to order only after he himself had appeared and after some of the troops had charged furiously down the street on horseback. (*Butler's Book*, 374-377; James Parton, *General Butler in New Orleans. History of the Administration of the Department of the Gulf in the Year 1862: With an Account of the Capture of New Orleans, and a Sketch of the Previous Career of the General, Civil and Military*, New York, 1864, pp. 285-289.)

On the other side of the room, also in a semicircle, sat General Butler and his staff, in full military uniform. Butler was a man of medium height, firm lips, and florid complexion. He had one cocked eye, and a large, half-bald head, from the back of which thin, grey hair fell over his ears. According to his friend Parton, he was not graceful nor fluent like Soulé, but firm, solid, and imposing. His career, moreover, as lawyer, legislator, and champion of labor in Massachusetts, offered further contrast to that of the Frenchman. A lady, says Parton, who for all he knew may have been peeping into the room that evening, compared the two combatants to "Richard and Saladin, as described by Scott in the *Talisman*; where Saladin, all alertness and grace, cuts the silk with gleaming, swiftest cimeter, and burly Richard, with ponderous broad-sword, which only he could wield, severs the bar of iron."¹⁸³

In this setting Butler read his first proclamation as commander of New Orleans. The Union forces, he said, had come to restore order and enforce peace "under the laws and Constitution of the United States." Three times before, he reminded them, the city had been "rescued from the hand of a foreign government" and "from domestic insurrection, by the money and arms of the United States."¹⁸⁴ Now recently, while rebel forces controlled the city, martial law has been deemed necessary for peace and order. Even during the interval between its evacuation by the rebels and its occupation by the United States, the intervention of the "European Legion" had been required. With these precedents behind him, therefore, the commanding general would now, until further orders, "cause the city to be governed . . . by the Law Martial." Under this rule, it would be guided by the following regulations and principles:

All persons in arms against the United States must surrender themselves and their equipment immediately.¹⁸⁵ The American flag "must be treated with the utmost deference and respect . . . under pain of severe punishment;" while all other flags, except those of the consulates, must be suppressed. Every one who wished to renew his oath to the United States would be protected in person and property. The violation of such oath

¹⁸³ This description of the scene is based mainly on Parton, *Butler in New Orleans*, 290-291.

¹⁸⁴ Butler explains this reference: "1st, by purchase in 1803; 2nd, by General Wilkinson in 1807, when the city was supposed to be threatened by Aaron Burr; 3d, by General Jackson in 1814." (*Butler's Book*, 379, n. 1.)

¹⁸⁵ The European Brigade was not considered in this category and was invited to coöperate with the Government forces in protecting the lives and property of citizens.

would be punishable by death. On the other hand, those who still held allegiance to the "supposed government of the Confederate States" would be treated as rebels and enemies. Former adherents or servants of the Confederacy who wished to lay down arms and cut off all intercourse with it would not be disturbed in person or property except as the necessities of the public service might require.

As for property rights in general, they would be held inviolate, subject only to the laws of the United States. The people were urged to go about their business, and stores and churches were to be kept open "as in times of profound peace." The circulation or trading in of Confederate bonds was forbidden. But Confederate bank notes, since they seemed to be "the only substitute for money" which the people had been allowed to have, could be used as long as anyone might be "inconsiderate enough to receive them, until further orders." Manufacturers of arms should report their activities to headquarters.

For the purpose of maintaining order "a sufficient force" would be kept in the city. Saloons and coffeehouses would be licensed and their proprietors held responsible for any disorder occurring in them. The killing of any American soldier would be regarded as murder, not war; and the owner of a house from or in which such murder might be committed would be held responsible and his house liable to be destroyed. If, on the other hand, any soldier of the United States should "commit any outrage on any person or property," his name should be immediately reported. All assemblages, by day or by night, were forbidden.

The municipal authority, as far as the police and crimes were concerned to the extent indicated, was suspended. Breaches of the peace and crimes of "an aggravated nature, interfering with forces or laws of the United States," would be tried by a military court. Other misdemeanors might be handled by the city authority, if it wished; and civil suits would be tried in the ordinary courts. No taxes, except those for the United States and for the streets and sanitation, were to be collected. The fire companies would retain their present organization.

A rigid censorship was established. No publication of any sort giving accounts of the activities of soldiers in the department would be allowed in any way to reflect on the United

States or its officers nor to influence the people against the Government. All war articles, whether news or editorial, concerning either the United States or the rebel armies, must be submitted for examination at headquarters. Likewise all telegraphic communication would be handled by the military.

In concluding, the General warned that, while it was the desire of the authorities "to exercise this government mildly, and after the usages of the past," it should not be supposed that it would "not be rigorously and firmly administered" as occasion called.^{185a}

In answer to this statement there was little left for the city spokesman to say. It must have been obvious that any protest would be in vain. Nevertheless, according to Butler and Parton, Soulé had the temerity to urge that the troops be immediately withdrawn from the city. Knowing the spirit of the people as he did, he insisted that peace could not otherwise be maintained. While this remark is said to have "fired" the General, he replied in a "measured though decisive manner": "I did not expect . . . to hear from Mr. Soulé a threat on *this* occasion. I have been long accustomed to hear threats from southern gentlemen in political conventions; but let me assure gentlemen present, that the time for tactics of that nature has passed never to return. New Orleans *is* a conquered city. If not, why are we here? . . . Have you opened your arms and bid us welcome? Are we here by your consent? Would you or would you not, expel us if you could? New Orleans has been conquered by the forces of the United States, and by the laws of all nations, lies subject to the will of the conquerors. Nevertheless, I have proposed to leave the municipal government to the free exercise of all its powers, and I am answered by a threat."¹⁸⁶ It is not established that Butler spoke in exactly these words. But it is clear that, except for the alleged remarks about leaving the city government free, they furnish a realistic description of what the city's plight actually was.

As to the outcome of this meeting, Butler and Parton tell different stories. Parton says that the city authorities left still in doubt as to whether they would continue at all the functions of government; and that it was not until the next day that they

^{185a} Proclamation, New Orleans, May 1, 1862, *Butler Correspondence*, I, 433-436.

¹⁸⁶ Parton, *Butler in New Orleans*, 295-296.

agreed to carry on with the duties allowed them. Butler, on the other hand, says that the agreement was reached that evening.¹⁸⁷ In any case the result was the same: Butler had his way.¹⁸⁸

The next morning, May 3, the proclamation was distributed on handbills through the city. Butler says that, having finished it on the evening of the first, he had then sent it to the *True Delta* for publication; but that those in the office had been unwilling to accept it in the absence of the proprietor. The next morning, when the proprietor himself refused to print it, the officers took possession of the presses and did the work themselves; while Butler ordered the publication of the paper suspended. When this action brought the publisher to Butler with an apology, he revoked the suppression order, with the following comment: "The commanding General having demonstrated the ability of his officers and soldiers to do everything necessary for the success of his plans without aid from any citizen of New Orleans, and shown the uselessness of aimless and unavailing opposition by the people, desires to interfere no further with that press."¹⁸⁹

In general the proclamation seems to have been received in the city without much surprise. Not expecting to be pleased, the people were not disappointed. One citizen wrote in his diary on the third: "Nothing of great moment happened today, except that the grand proclamation came out. I have read it and think nothing of it, though there is something in it to which to object. It is written in the regular Butler style of nonsensical bombast."¹⁹⁰ The *Bee* thought it "in some respects milder and less stringent than might have been anticipated. If the military authority . . .," it wrote with at least a tinge of distrust, "will but enforce those portions of the proclamation which promise to hold inviolate all rights of property, and to punish outrage and disorder, by whomsoever committed, much will be accomplished towards preserving the tranquility of the city."¹⁹¹ The *Picayune* analyzed the proclamation at some length, without committing itself to any decided attitude; while the *Delta* thanked Soulé, Monroe, and the Council for the establishment of relations "on as satisfactory basis as could be expected."¹⁹²

¹⁸⁷ The rather sketchy account in the *Picayune*, May 4, 1862, tends to confirm Parton.

¹⁸⁸ The accounts of Butler and Parton referred to here are in *Butler's Book*, 378-379, and in Parton, *Butler in New Orleans*, 291-297.

¹⁸⁹ Parton, *Butler in New Orleans*, 282-283, 297; *Butler's Book*, 377; Gen. Orders Nos. 17 and 18, May 2, 3, 1862, *Butler Correspondence*, I, 440.

¹⁹⁰ Diary, *Sou. Hist. Soc. Papers*, XXIII, 188.

¹⁹¹ *Bee*, May 5, 1862.

¹⁹² *Picayune*, May 4, 1862; *Delta*, May 6, 1862.

There was, however, as might be expected, complaint from the press of censorship. In the same editorial in which it expressed mild satisfaction with some parts of the proclamation, the *Bee* protested especially against the control of military news; but added that it would try honestly to conform to the regulations.¹⁹³ The *Delta* took a bolder stand. The dilemma of the journalists was distressing. "To publish views hostile to the military authority occupying the city would conflict with the authority of that power; to publish any other would be a still more serious violation of duty and conscience."¹⁹⁴ "Under these circumstances," it wrote again, "we should be greatly obliged to know from Gen. Butler, whom we have met often in Democratic conventions, in the olden time, and know to be a smart, ready and rather sociable personage, or from some of the ingenious young officers around him, how we can possibly make up a newspaper that will enable us to preserve the identity of this journal." The only way, it thought, to avoid "the surrender of that inalienable privilege of all free and manly journalism, which revolts at the control of a censorship," was to exclude entirely from its columns the kind of publication that would have to be submitted to the officials.¹⁹⁵ To a visiting correspondent of the *New York Herald*, the plight of the New Orleans newspapers, cut off from all but local news and forbidden to discuss the war, was "very amusing." Their editorial columns, he wrote, were devoted to "leaders on the Mexican question, grave treatises on the condition of the Japanese, and enlivening descriptions of the habits of the gorilla."¹⁹⁶

The people of New Orleans could hardly have brought themselves to laugh with the visitor from New York. Despite the reputation they had long had for nonchalance and gaiety, they were now definitely not amused. The arrival of the invaders had had a quieting effect, but they were in neither a happy nor a humble mood. They had yielded a sullen submission to the fortunes of war, but they retained their loyalty to the South.

It could not be expected, on the other hand, that General Butler should come among them with malice toward none, and charity for all. The emotions of war, his own ardent Unionism and hatred of the rebellion, would probably have prevented a

¹⁹³ *Bee*, May 5, 1862.

¹⁹⁴ *Delta*, May 3, 1862.

¹⁹⁵ *Ibid.*, May 4, 1862.

¹⁹⁶ *New York Herald*, May 23, 1862.

lenient attitude, even if he had had no other provocation. As it was, he had been annoyed in the extreme by the unruly, defiant conduct of the mobs. He intended, he wrote Stanton, to make them "fear the *stripes*," even if they didn't "reverence the stars" of the flag.¹⁹⁷ In this spirit he must have had the sympathy of his wife, who described her feeling at the time: "I was excited . . . , but felt no fear. My spirit rises when men assail. I could enter a battle-field with something of that inspired courage that have raised women to Leaders of armies."¹⁹⁸

The occupation of New Orleans indeed was not to be a holiday for anybody. Butler was to have an exceedingly difficult task. As Fox wrote him shortly after his arrival, "drawing back into the ark the wanderers and the deluded" was to require "more brains than it does to fight."¹⁹⁹

CHAPTER IV

LIFE AND LABOR

When General Butler arrived, the most pressing problem for both the people and their conquerors was the food supply. Since the beginning of the war, shipments into the city had grown smaller and smaller as communication was broken with one source of supply after another. First, the outbreak of hostilities had cut off the Valley above Memphis. Then, as the blockade closed in, shipping through the Gulf became virtually impossible. In February the Union advance into Tennessee had eliminated that section. And by spring the only important sources of supply left were Texas and the Red River Valley.

All the while food, especially meat and flour, had become increasingly scarce. Prices had mounted, as profiteers saw their chance.²⁰⁰ The first to suffer had naturally been the poor and unemployed, whose numbers had increased with the stagnation of business. As early as August it had been necessary to open a so-called "free market." Twice a week thereafter from seventeen to nineteen hundred families had received provisions, supplied by vol-

¹⁹⁷ Butler to Stanton, Fts. Jackson and St. Philip, April 29, 1862, *Butler Correspondence*, I, 425-428.

¹⁹⁸ Mrs. Butler to Mrs. Heard, New Orleans, May 2, 1862, *ibid.*, I, 439.

¹⁹⁹ Fox to Butler, Washington, May 17, 1862, *ibid.*, I, 502.

²⁰⁰ In setting up a price schedule in March General Lovell had warned that "all attempts to evade the tariff either by buyers or sellers" would "be visited by instant and exemplary punishment." (*Picayune*, March 28, 1862.)

untary contributions.²⁰¹ Even with this charity many must have gone hungry as in February an average of only \$6.30 per family is reported to have been spent.²⁰²

Despite the hardships endured by many, it was not until the arrival of the Federals in the river that the whole city faced the prospect of starvation. Cut off now from Texas and the Red River, as well as from the rest of the Confederacy, the people were at the mercy of the invaders. When General Lovell evacuated the city, there was enough food to last only eighteen days. And how much of that supply was taken out by those who fled before Butler arrived is impossible to determine. But it was clear that from any standpoint, machiavellian or humanitarian, something had to be done immediately.

Informed of conditions on his arrival, Butler expressed his willingness to allow food to be brought into the city, even from beyond the Confederate lines. Accordingly, as soon as the first negotiations with the local authorities were over, he ordered safe conduct for a steamer to bring a supply of flour, which had been bought by the city at Mobile. At the same time he further ordered the Opelousas Railroad to bring in all provisions that could be obtained.²⁰³ In order to dispel the idea which had been spread among the planters by "rebellious, lying, and desperate men" that sugar and cotton crops would be destroyed, he ordered all boats carrying such cargo to be given safe passage from beyond the lines and back again.²⁰⁴

While taking these measures to feed the city, General Butler tried to arouse the working classes against the Confederacy. Ordering the distribution of some beef and sugar which had been captured from the rebels, he upbraided "the wealthy and influential, the leaders of the rebellion," who, he said, had "gotten up this war," and, not pinched by hunger themselves, were carrying it on without regard for the poor, starving workingmen. These conscienceless plutocrats, joining hands with "the vile, the gambler, the idler and the ruffian," had destroyed the sugar and cotton which might have been exchanged for food for "the industrious and good." They had betrayed their country. They had been false to every trust. They had forced "every poor man's child into their

²⁰¹ *Bee*, May 12, 1862.

²⁰² *Picayune*, March 1, 1862.

²⁰³ Gen. Orders Nos. 19 and 20, New Orleans, May 3, 1862, *Butler Correspondence*, I, 442-443.

²⁰⁴ Gen. Orders No. 22, New Orleans, May 4, 1862, *ibid.*, I, 443.

service as soldiers," while making officers of their own sons. And now they refused to feed those whom they were starving. "MEN OF LOUISIANA, WORKING MEN, PROPERTY HOLDERS, MERCHANTS AND CITIZENS OF THE UNITED STATES," he asked, "of whatever nation you may have had birth, how long will you uphold these flagrant wrongs, and by inaction, suffer yourselves to be made serfs of these leaders?"

To subdue the rebellious armies the forces of the United States had come. In New Orleans, they had found "substantially, only fugitive masses, runaway property burners, a whiskey-drinking mob and starving citizens with their wives and children." It was the duty of the Federals, therefore, "to call back the first, to punish the second, root out the third, feed and protect the last." They had come ready only for war and unprepared to feed the hungry but, as far as it was possible, the latter would be done.²⁰⁵

How the inarticulate masses in New Orleans felt about this blast it is impossible to know. They certainly scrambled for the food, but they gave no signs of returning *en masse* to their former allegiance. Though it was dangerous for the newspapers to reply, both the *Bee* and the *Delta* gently denied that the city had neglected its poor, pointing to the work of the Free Market; to the Charity Hospital as one of the most "extensive" institutions for the care of the sick in the country; and to the orphan asylums, which then housed some twenty-four hundred children.²⁰⁶

From beyond the lines, however, came more spirited retorts. Governor Moore issued a long address to the "Loyal People and True" of the city, in which he warned that General Butler was only appealing to their selfishness in an attempt to arouse "the baser passions" of their nature. It was, the Governor thought, as though the General were addressing Yankees, whose sole aspirations were "the acquirement of money and the triumph of fanaticism." The attempt to "excite the poor against the more wealthy" was mean and contemptible. Professions of regard for the people came with bad grace from one whose section had degraded white labor and had always believed that the government should take care of the rich and let the rich take care of the poor. Butler obviously underrated the intelligence of the people of New Orleans, who knew that the war had resulted only "from Yankee meddling with other people's affairs, and fanatical Puritanism—that same fanatical big-

²⁰⁵ Gen. Orders No. 25, New Orleans, May 9, 1862, *ibid.*, I, 457-459.

²⁰⁶ *Bee*, May 12, 1862; *Delta*, May 13, 1862.

otry which at an earlier day burnt people suspected of witchcraft, and persecuted and oppressed others for a difference of opinion in religious matters." The people knew, too, that the Northern fanatics did not want to take the blacks to their own section and place them on equality with the whites. They simply wanted to "deprive the slaves of good homes and kind masters," and "to turn loose an ignorant and servile race" to "desolate the land." As for the Yankee generosity in distributing food, everybody knew that they would never give it away if they needed it and were not afraid to use it themselves. Finally, the Governor valiantly warned General Butler "to make the most of his ill-gotten power," because his reign would be short.²⁰⁷

In his wishful thinking that Yankee rule would be short, Governor Moore was supported by at least one planter's wife, who wrote anonymously to Butler: "'But Yankee, proud Yankee! drest in a little *brief authority*', when our gallant Beauregard comes to deliver us from the inflated myrmidon of the tyrannical Buffoon at Washington, we shall see with intense joy the noble Picayune Butler flying from the *Vatican*, in finished *Bull Run or Bethel* style, with all the Yankee rabble infesting our city at his heels."²⁰⁸

Beauregard did not come to fulfill this colorful prophecy. But at least the food situation showed gradual improvement. In less than a week after Butler's arrival the *Delta* was encouraged to believe that abundant provisions would soon be supplied; and soon it reported that the markets were definitely looking better. Meat was still scarce and expensive, but there was a plenty of fish and even a good supply of tropical fruits. When on June 1 the blockade was lifted, supplies came in still more rapidly. Soon afterwards the *Bee* wrote that, though luxuries would still be hard to get, the city was no longer in danger of famine. About the same time the *Picayune*, seeing wheelbarrow loads of ice being carried through the streets, gaily exclaimed: "Juleps and cobblers!"²⁰⁹ The spirit of the city was not entirely crushed.

But there was still much hunger and suffering. Prices remained exorbitant. Even Butler's attempt to fix the price of flour at \$20 a barrel was not entirely successful, for in the middle of June it was still being sold at \$21 to \$25.²¹⁰ The first week in

²⁰⁷ Undated Address of Gov. Moore, *Butler Correspondence*, I, 459-463.

²⁰⁸ "Wife of a Southern Planter" to Butler, May 7, 1862, *ibid.*, I, 448.

²⁰⁹ *Delta*, May 6, 16, 1862; *Bee*, June 10, 1862; *Picayune*, June 8, 1862.

²¹⁰ *Bee*, May 15, 1862; *Picayune*, June 19, 1862.

July George S. Denison, the customs-collector, wrote that thousands still did not have enough food; and that the "aristocratic scoundrels" took no interest in their "deluded followers."²¹¹ The same official came nearer to the point, however, later in the summer, when he urged the necessity of opening the river entirely.²¹² There was the real difficulty for New Orleans: as long as the Mississippi Valley remained a battleground its necessities were not likely to be easily satisfied. High prices and poverty continued to afflict thousands of people.

Finding money for poor relief was difficult. The city treasury was virtually empty. Federal funds had to be used for other purposes. But by the middle of the summer, General Butler had devised a rather ingenious method. In accordance with his theory that the upper classes were responsible for the suffering of their deluded underlings, he determined that it was only just for the guilty to pay the bills. He therefore unearthed lists of the purchases of the city bonds which had been issued to raise funds for defense. These persons and firms he assessed at the rate of twenty-five per cent of the sums they had "subscribed to aid treason against the United States." In addition to this group, he also levied on the cotton brokers, "who, claiming to control that great interest in New Orleans, to which she is so much indebted for her wealth, published in the newspapers, in October, 1861, a manifesto deliberately advising the planters not to bring their produce to the city, a measure which brought ruin at the same time upon the producer and the city." In this manner he soon collected, according to Parton, nearly \$350,000.²¹³

Protest against this action was known to be in vain. As Parton put it, "after three months' experience of General Butler's government, his orders were known to be irreversible fiat of irresistible power. Every man who saw his name on either catalogue, was perfectly aware that the sum annexed thereto must be paid on or before the designated day. Protest he might, but pay he must. Money first; argument afterward."²¹⁴ The *Delta*, which had been seized and was being published as Butler's mouthpiece by two of his officers, gloated over those who had to pay: "For the first time these many months, the *habituées de la grande Rue* (Caron-

²¹¹ George S. Denison to James Denison, New Orleans, July 6, 1862, *MS.*, Denison Papers, Library of Congress.

²¹² Denison to Chase, New Orleans, Aug. 26, 1862, *Amer. Hist. Assoc. Report for 1902*, II, 311.

²¹³ Gen. Orders, No. 55, New Orleans, Aug. 4, 1862, *O. R. A.*, Ser. I, v. 15, pp. 538-542; Parton, *Butler in New Orleans*, 311.

²¹⁴ Parton, *Butler in New Orleans*, 312.

delet) woke from their lethargy. Sleek old gentlemen, whose stomachs are distended with turtle, and who sport ivory-headed canes, and wear on their noses two-eyed glasses rimmed with gold, came out from their umbrageous seclusions in Prytania street, Coliseum Place, and other rural portions of the Garden District, to condole with each other upon the once more animated flags. . . . It was interesting to contemplate the sorrowful visages of this funeral crowd. Some of them had been taxed hundreds, and some to the tune of thousands; but all alike bore the solemn aspect of unresisting muttons led silently to the slaughter." Well they might be docile as lambs, for the official paper assured them: "The poor must be employed and fed, and you must disgorge. It will never do to have it said, that while you lie back on cushioned divans, tasting turtle, and sipping the wine cup, dressed in fine linen, and rolling in lordly carriages—that gaunt hunger stalked in the once busy streets, and poverty flouted its rags for the want of the privilege to work."²¹⁵

The money thus collected General Butler spent in various ways to relieve the poor. In October he reported to Secretary Stanton that out of the fund he had been distributing \$70,000 worth of food a month to 9707 families; \$2000 a month to the support of five asylums for orphans and widows; and \$5000 a month to the Charity Hospital. Besides, he had also been employing a thousand men to clean the streets and repair the wharves.²¹⁶ These expenditures must have done much good, but in September the General wrote that the condition of the people was still "very alarming," and that more money was needed.²¹⁷

In combining poor relief with cleaning the city, Butler did a much needed job. New Orleans had long been a very filthy city. And, at the beginning of the Federal occupation, it was, according to the *Picayune*, even dirtier than usual. The gutters were teeming with "unmentionable filth" and the liquid in them covered with a "green scum." In some sections the people were said to be compelled to keep their windows and doors closed. Walking along the levee one day, "in anxious search for news," a *Delta* reporter found "pools of molasses, rotting and festering in the sun, from which a reek sprung up like that from the throat of fell Acheron"; dead rats, which perfumed "the atmosphere at every turning";

²¹⁵ *Ibid.*, 312-313.

²¹⁶ Butler to Stanton, New Orleans, Oct. 12, 1862, *Butler Correspondence*, II, 366.

²¹⁷ Butler to Halleck, New Orleans, Sept. 1, 1862, *ibid.*, II, 242.

and piles of oyster shells, the remains of a fondly remembered luxury, which furnished now only foul odors.²¹⁸

About one action of General Butler in New Orleans there can be no disagreement. He cleaned the city well. In November, 1862, the *Picayune* wrote that only once before had the city been in as good shape as it was then; and that was just after the great yellow-fever epidemic of 1853, when the city authorities had for once "aroused themselves from their usual torpor."²¹⁹ Even Marion Southwood, in a venomous diatribe against Butler, admitted that "he was the best *scavenger* we ever had among us."²²⁰ This contemporary judgment is still echoed in New Orleans today, where the most unreconstructed rebels concede that the detested "Beast" did a good job of cleaning.

Certainly the most powerful incentive for the Federals to clean the city was fear for their health. In a damp, subtropical climate, New Orleans, with its swamps and mosquitoes, had always been one of the unhealthiest cities in the country. Of the diseases common in the city, yellow fever was the most dreaded. Almost every summer it appeared, sometimes only sporadically, but too often in ghastly epidemic. At the time of the capture the Confederates had hoped that the enemy might be confined to New Orleans and thus be subjected "to the diseases incident to that city in summer."²²¹ A Virginia paper consoling itself over the Union victory, wrote: "They have got the elephant, it is true, but it is a prize which will cost them vastly more to keep than the animal is worth, if his Saffron Majesty shall make his usual annual visit to the city and wave his sceptre in the hospitals there."²²² As soon as the Northerners arrived, the people of New Orleans began to frighten them with "tales about the yellow fever."²²³ And the *Picayune* did not seem grief-stricken over the casualty reported in the following: "We heard of a number of cases of sunstroke yesterday among the verdant strangers who, uninvited, have recklessly come to see the fashions, and enjoy the blazing hot days and deathly damp nights of New Orleans in the summer time. In one case—that of a man who dropped in Magazine street—we are informed that death was instantaneous. If the heat affects our Northern visitors so terribly now, how will they stand up under it in the days coming?"²²⁴

²¹⁸ *Picayune*, May 16, 1862; *Bee*, May 9, 1862; *Delta*, May 4, 1862.

²¹⁹ *Picayune*, Nov. 13, 1862.

²²⁰ Southwood, "Beauty and Booty," 182.

²²¹ Lovell to Moore, Camp Moore, La., May 12, 1862, *O. R. A.*, Ser. I, v. 15, p. 733.

²²² *Petersburg Express*, April 29, 1862, quoted in the *New York Herald*, May 1, 1862.

²²³ *Journal of Julia LeGrand*, 46.

²²⁴ *Picayune*, May 4, 1862.

The fear of yellow fever evidently had its effect on the morale of the army. Butler writes that many of his officers were panic-stricken, and that they asked to go home, under every kind of excuse and pretense. His own patience broke down "under the continual perplexity of these applications." In one case, an officer "who would have gone to the cannon's mouth . . . upon a simple order," became very much frightened. Having brought several certificates of ill health to the General without success, he finally came with one from the surgeon of his regiment, saying that there was great danger of his not living more than thirty days. "That was a safe certificate to give," says Butler, "because all of us were then in danger that our lives would not be spared more than thirty days, if as long. I looked my applicant straight in the eye and said: 'I differ in opinion with your doctor, and I am going to try an experiment. I shall keep you here thirty days, and if you die in that time I will beg the doctor's pardon for doubting his skill; if you don't, it will be just as well as though you had gone home.' Imagine his disgust and his hard feeling at the moment. But we lived to be afterwards the very best of friends. He did not die nor was his life in any more danger than mine."²²⁵

In general, neither the hopes of the rebels nor the fears of the Yankees were fulfilled. The unacclimated Northerners must have been very uncomfortable in the hot, muggy city. General Butler complained that they all, "especially the fleshy ones," suffered from prickly heat and boils.²²⁶ There was typhoid, diphtheria, and other diseases.²²⁷ But, in general, the condition of health was, as one medical officer put it, "as gratifying as it was unexpected."²²⁸ And—what was most important of all—yellow fever did not come. One or two cases were reported.²²⁹ But there was never a sign of epidemic. A physiologist of the University of Louisiana wrote several years after the war that the military occupation of the city had been characterized by three exceptional facts: the absence of epidemics, despite the annual presence of yellow fever and the unusually large number of unacclimated

²²⁵ *Butler's Book*, 398-400.

²²⁶ Butler to Mrs. Butler, New Orleans, Sept. 9, 1862, *Butler Correspondence*, II, 271-272.

²²⁷ F. A. M. Bates, Surgeon, 13th Maine Volunteers, to Butler, New Orleans, June 6, 1862, *MS.*, *Butler Papers*, Library of Congress.

²²⁸ R. K. Smith, Surgeon, St. James' Hospital, to Butler, New Orleans, May 27, 1862, *O. R. A.*, Ser. I, v. 15, p. 445.

²²⁹ Stanford E. Chaillé, "The Yellow Fever, Sanitary Condition, and Vital Statistics of New Orleans during its military occupation, the four years 1862-5," in *The New Orleans Journal of Medicine*, (July, 1870), 569; Butler to Stanton, New Orleans, Oct. 1, 1862, *Butler Correspondence*, II, 342.

people; the existence of a quarantine²³⁰ "more perfect than civil authority" could "possibly effect;" and the enforcement of excellent sanitary regulations by efficient police.²³¹

Military rule may have been good for the health of the city, but certainly did business no good. Under the Confederacy things had been bad enough. Cut off from the Middle West, blockaded on the coast, drained of its resources by the war, New Orleans in the spring of 1862 gave little evidence of its former prosperity. The "Key of the Great Valley," as it had been called before the war, no longer opened anything to the world; and to the Confederacy it opened only parts of Texas, Arkansas, and Louisiana. With the capture, even that hinterland was closed.

When General Butler arrived, one of the most distressing problems was the condition of the currency. At the beginning of the war, the New Orleans banks had been among the strongest in the South, having prepared themselves for some time by curtailing loans and increasing their specie reserves. In good condition, therefore, they had resisted until September, 1861, the pressure of the Richmond authorities to suspend specie payments and accept Confederate treasury notes for circulation.²³² With suspension gold and silver disappeared, and by spring the city was flooded with paper money of all kinds—Confederate, State, shin-plaster, and counterfeit.

The capture, of course, aggravated the situation. What confidence had survived the bombardment of the forts now disappeared. Merchants with provisions to sell at exorbitant prices began to refuse the currency, right and left. In a desperate effort to improve matters, the Committee of Public Safety published lists of those whose notes they considered reliable; and the Aldermen passed resolutions requiring all who had issued notes to submit statements of the amounts and to deposit security, so that the city might take them out of circulation.²³³

In his first negotiations with the city authorities, Butler had agreed to allow Confederate currency to continue temporarily in circulation, since otherwise business could not have been carried on at all.²³⁴ This concession to necessity was, however, soon with-

²³⁰ As soon as he arrived, Butler established strict quarantine regulations for vessels coming to New Orleans. (Butler to Col. E. F. Jones, Quarantine Stations, April 30, 1862, *Butler Correspondence*, I, 429; Butler to Stanton, New Orleans, Oct. 1, 1862, *ibid.*, II, 340-342.)

²³¹ Chaille, in *New Orleans Journal of Medicine* (July, 1870), 563.

²³² Schwab, *Confederate States of America*, 124-125, 140-141.

²³³ *Picayune*, May 3, 18, 1862; *Delta*, May 6, 1862; *Bee*, May 6, 7, 1862.

²³⁴ *Butler's Book*, 505-506.

drawn. Several weeks later, while the city was preparing to issue notes to replace the shinplasters, Butler announced that, beginning May 27, all Confederate notes, bills, and bonds should be suppressed.²³⁵ In order to protect themselves, the banks immediately warned all those who had deposited Confederate notes to withdraw them before the twenty-seventh.²³⁶ At this attempt to pass the loss on to their depositors Butler was very much displeased. "I thought it was my duty," he says, "to interfere with such performances and make the banks bear the loss."²³⁷ Accordingly, he issued another of his scathing orders, in which he said that the bankers had "causelessly suspended specie payments in September last"; that they had introduced Confederate currency in large quantities into the city; and that now they were seeking "to throw the depreciation and loss from this worthless stuff of their own creation . . . upon their creditors, depositors, and bill-holders." All payments by the banks were henceforth to be made not in Confederate bills, but in United States Treasury notes, gold, silver, or in the current bills of city banks, which could still be issued. As a further protection for the public, all who had shinplasters were required to redeem them immediately on demand.²³⁸

Only one bank seems to have had the temerity to protest against this order. Shortly after it appeared, the president of the Bank of Louisiana wrote Butler that his directors wished to "disclaim and disavow the justice of any imputation affecting their rectitude, integrity or honor"; and to ask that he appoint some competent person in whom he had confidence to examine the condition of the bank and the action of its directors since the preceding fall. In the meantime, they asserted, the business of the bank would have to be suspended, since they held no bills of their own issue and very little specie.²³⁹ When Butler immediately rejected this appeal, the bank wrote that, since there was no alternative, they would comply with the order.²⁴⁰ Again the General had demonstrated that his word was law.

Butler himself writes, "The effect of that order upon the people was marvelous. The whole commercial and trading com-

²³⁵ Gen. Orders, No. 29, New Orleans, May 16, 1862, *O. R. A.*, Ser. I, v. 15, p. 426.

²³⁶ Parton, *Butler in New Orleans*, 417-418.

²³⁷ *Butler's Book*, 507.

²³⁸ Gen. Orders No. 30, New Orleans, May 19, 1862, *Butler Correspondence*, I, 504-505.

²³⁹ W. N. Mercer to Butler, New Orleans, May 21, 1862, in Parton, *Butler in New Orleans*, 421-422.

²⁴⁰ Butler to Mercer, New Orleans, May 22, 1862, *Butler Correspondence*, I, 481; Mercer to Butler, New Orleans, May 22, 1862, in Parton, *Butler in New Orleans*, 423. The bank later, evidently trying to make a test case, refused to pay one depositor according to the terms of the order. The case heard in the Provost Court and appealed to Butler, was decided against the bank. (See Butler's opinion in the case, New Orleans, June, 1862, *Butler Correspondence*, II, 27-30.)

munity was at once relieved. The reaction was visible and an air of cheerfulness and hope was noticeable everywhere. Business resumed its channels and trade was generally reopened."²⁴¹ It is true that the *Picayune* expressed approval of the order,²⁴² and it is likely that the people in the city were glad not to be forced to take Confederate money from the banks. But none of the measures brought immediate or complete relief. Currency as tangled as that in New Orleans could not be untangled over night by any orders. Early in June, the *Bee* wrote that, while Butler's action should lower prices and curb the evils of inflation at the present time money was too scarce. The only gold and silver was in the hands of the soldiers. The people of New Orleans would, it thought, simply have to learn how to economize—an art of which they had never known very much.²⁴³

The condition of the currency must have gradually improved, as a result of Butler's measures. At any rate, as time passed, there was little complaint made in the newspapers. But as for the state of business, there was another matter. It had been hoped that the opening of the port would bring tremendous improvement.²⁴⁴ Butler, indeed, had done his best to persuade the planters to ship cotton and sugar down the river. As soon as he arrived, he ordered safe conduct for ships bringing cotton and tobacco.²⁴⁵ But his efforts were not successful. The Confederates did all they could to stop intercourse with New Orleans.²⁴⁶ And, while there was some leakage, in general they succeeded. In July Butler complained that "these deluded people" seemed determined not to believe that their crops would not be confiscated by the authorities at New Orleans.²⁴⁷ The French consul in New Orleans had been right early in the summer when he predicted that "short of an amicable arrangement between the two parties carrying on this destructive war," there would not be enough cotton exported that year to satisfy either Europe or the United States.²⁴⁸ Altogether, New Orleans was in a very difficult position. "We are pressed on both sides," wrote the *Picayune*, "indeed, on all sides. Whilst the United States authorities hold us captives under martial law, the

²⁴¹ *Butler's Book*, 509.

²⁴² *Picayune*, May 21, 1862.

²⁴³ *Bee*, June 2, 3, 1862.

²⁴⁴ *Ibid.*, June 2, 1862; *Picayune*, June 3, 1862.

²⁴⁵ Gen. Orders No. 22, New Orleans, May 4, 1862, *Butler Correspondence*, I, 443.

²⁴⁶ See Address of Gov. Moore, Opelousas, La., June 18, 1862, *ibid.*, II, 16-24.

²⁴⁷ Butler to Reverdy Johnson, New Orleans, July 21, 1862, *ibid.*, II, 94.

²⁴⁸ Count Méjan to Thouvenel, New Orleans, May 30, 1862, in *U. S. Papers relating to Foreign Affairs*, 1862, Pt. I, p. 421.

Confederates and Gov. Moore forbid all intercourse with the country Both parties virtually treat us as enemies.”²⁴⁹

The summer dragged on without improvement. In November, the *Picayune* wrote lugubriously: “In passing along some of our principal streets, Carondelet particularly, the observing pedestrian cannot fail to notice the great number of stores and offices that have black squares painted on the granite columns where formerly there were gilded letters. The firms that lately occupied those commercial palaces appear to have retired, and the buildings are in mourning This does not indicate that speedy and certain revival of trade which the sanguine promised themselves months ago.” The firms that were not thus in mourning were evidently in great confusion. “In old times,” lamented the *Picayune* again, “business had its specific rules and regulations, as fixed as the laws of the Medes and Persians. But now old times and old arrangements have passed away. Coal oil and coal oil lamps are sold in crockery and apothecary stores; corn and whisky are sold in hardware stores; flour and bacon are sold in dry goods stores; and everything like system in business is ignored or overlooked. How many thousands of men in this city have been obliged to put off old vocations to assume new ones, since the ordinance of secession passed! A few have been enriched, but tens of thousands have been ruined.”²⁵⁰

The last sentence of this lament was evidently a guarded thrust at the speculators who had been busy in New Orleans all summer. Among the most prominent—and unpopular—of them was General Butler’s brother, Colonel Andrew Jackson Butler, who, though not in the government employ, had come out with the army and had immediately commenced doing business. Of the opportunities for profit furnished by the capture and of Colonel Butler’s activity, Parton says:

When the port was opened in June, the condition of affairs was such that no man of business, with either capital or credit at command, could fail to make money with almost unexampled rapidity. Turpentine in New Orleans was a drug at three dollars; in New York it was in demand at thirty-eight. Sugar in New Orleans was worth three cents a pound; in New York, six. Flour, in New York, six dollars a barrel; New Orleans, twenty-four. Dry goods in New York were selling at rates not greatly in advance of prices

²⁴⁹ *Picayune*, July 2, 1862.
²⁵⁰ *Ibid.*, Sept. 18, Nov. 6, 1862.

before the war; in New Orleans every article in the trade was scarce and dear. The rates of exchange were such as to afford an additional profit of fifteen per cent. on all transactions between the two ports. . . . The general's brother was one of the lucky men who chanced to be in business at New Orleans at the critical moment. An able man of business, with an experience of thirty years, with considerable capital and more credit, he engaged in this lucrative commerce with all the means and credit he could command. His gains were large; not as large as those of some other men; but large enough to satisfy a reasonable ambition.²⁵¹

Whether General Butler, as has often been charged, speculated on his own account or shared in his brother's profits is impossible to determine. He himself admits that he allowed Colonel Butler to use his name to obtain capital and credit in the North; but that he aided him in any official way he denies.²⁵² The circumstances, however, were suspicious and it was generally believed that there was a business as well as a brotherly connection between the two men.²⁵³ In any case, the profits of speculation in New Orleans were enjoyed only by a few "lucky men," whoever they were; while the community as a whole gained nothing.

Along with business, the social life of the people had also come to a standstill. Though the summer was always dull in New Orleans, cool weather usually brought visitors and parties, opera and plays, dancing and drinking. But the fall of 1862 was different from other falls. Everybody knew the season would not really open at all. There would be no Mardi Gras balls and few, if any, parties; for the merry "Krewe of Comus" had been replaced and the brilliant salons sullied "by the conquering troops of the Union."²⁵⁴ By the middle of November, when things were usually in full swing, there was nothing in the way of amusement except an occasional opera and a small theatre in Camp Street, which was patronized chiefly by the soldiers.²⁵⁵ Most of the people had neither the money nor the spirit to support such things.

The women of New Orleans, formerly so active and gay, were now condemned to sit at home, without even knitting for

²⁵¹ *Butler in New Orleans*, 411. In addition to this trade with the North, there was also considerable trading with the rebels, especially across Lake Pontchartrain. Denison was convinced that Col. Butler was engaged in this also. (See especially Letters of Denison to Chase, New Orleans, Oct. 10, Dec. 10, 1862, *Amer. Hist. Assoc. Report for 1902*, II, 321, 338.)

²⁵² Butler to Chase, New Orleans, Nov. 14, 1862, *Butler Correspondence*, II, 424.

²⁵³ For further discussion of General Butler's business affairs, see Appendix below.

²⁵⁴ Thomas C. DeLeon, *Four Years in Rebel Capitals: An Inside View of Life in the Southern Confederacy, From Birth to Death; From Original Notes, Collated in the Years 1861 to 1865* (Mobile, Ala., 1892), 64.

²⁵⁵ *Picayune*, Nov. 16, 1862.

their soldiers. "There is no hope left in me," wrote one. "I do not talk much, but the suppressed life of pain which I lead is enough to kill a stronger person. We lead a lonely, anxious life and are sick most always. . . . Those who come in say there is much joy beyond the lines, but no one can give the why and wherefore. In the meantime we are leading the lives which women have lead since Troy fell; wearing away time with memories, regrets and fears; alternating fits of suppression, with flights, imaginary, to the red fields where great principles are contended for, lost and won; while men, more privileged are abroad and astir, making name and fortune and helping to make a nation."²⁵⁶

An English businessman, who visited the city in the fall of 1862, describes the conditions he found:

When I was there, the only hotel open for travelers . . . was the "City Hotel," the St. Charles being closed, and others used either as hospitals or as headquarters of some Federal departments. The Customhouse was being used as barracks and offices; pickets patrolled the adjoining streets, cannon commanded the approaches; and a constant communication by signal was kept up with the gunboats and troops across the river and elsewhere. Merchants, commission-agents, brokers, and tradesmen lounged about their empty stores and offices until about two p. m., taking occasional drinks with quiet toasts, and then went home to curse the common foe in peace. Ladies ventured out as little as possible; and the half-empty streets were left to Federal officers and soldiers, negroes, curious nurse-girls, dogs, and mosquitoes. By eight p. m. the city seemed fast asleep; not twenty people apparently being abroad after that hour. By ten p. m. even the few bar-rooms and billiard saloons which had been open would be deserted and closed; no theatre, opera, or social gathering could be sustained; people seemed pleased another day was gone; and New Orleans, in October 1862, exceeded in dulness any little country-town I ever saw the day after market-day.²⁵⁷

²⁵⁶ Letters of Julia LeGrand to Mrs. John M. Chilton, and to Mrs. Shepherd Brown, New Orleans, Nov. 17, 1862, in *Journal of Julia LeGrand*, 50, 52.

²⁵⁷ [W. C. Corsan] "By an English Merchant" *Two Months in the Confederate States, Including a Visit to New Orleans Under the Domination of General Butler* (London, 1863), 32-34.

CHAPTER V

REBELS, UNIONISTS, AND THE IRON HAND

In assigning Butler to command in February, General McClellan had suggested that, if New Orleans fell, it would probably be best to occupy Algiers and the eastern bank of the river above the city with the mass of his troops. "It may be necessary," he added, "to place some troops *in* the city to preserve order, though if there appears sufficient Union sentiment to control the city, it may be best for the purposes of discipline to keep your men out of the city."²⁵⁸ That the commander in Washington had misjudged the feeling of New Orleans was evident as soon as Farragut anchored in the river. There was no doubt then that troops would be needed to maintain order. There was certainly not enough Union sentiment to control the city without them.²⁵⁹

To maintain order among the angry people of New Orleans required a firm hand. And this General Butler had. As his friend Parton said, "He came of fighting stock;" and the fluid that ran in his veins was "blood, not milk and water."²⁶⁰ At the outset he evidently recognized the primary necessity of controlling his own men. Accordingly, in order to restrain them "amid the temptations and inducements of a large city," he forbade under threat of the "severest penalties" any plundering of private property.²⁶¹ To the effectiveness of this order Butler testifies in his autobiography: "I may say here, and challenge contradiction, in behalf of my gallant comrades, that from the time we landed until the time I left New Orleans, no officer or soldier did any act to interfere with life, limb, or property of any person in New Orleans, unless acting under perfectly explicit orders so to do."²⁶²

In this statement the commander's memory seems to have slipped a little. There were a few occasions on which the order was disobeyed. In fact, on their first night in the city, some of his soldiers ransacked the post office, and, according to one of them got at least "postage stamps and specimens of Confederate money."²⁶³ Once in a while the *Bee* reported cases of similar misconduct on the part of the soldiers. And, in view of the close

²⁵⁸ McClellan to Butler, Washington, Feb. 23, 1862, *Butler Correspondence*, I, 361.

²⁵⁹ Of the approximately 15,000 troops in the Department of the Gulf, Butler generally kept about 3,000 in New Orleans.

²⁶⁰ Parton, *Butler in New Orleans*, 13, 348.

²⁶¹ Gen. Orders, No. 15, New Orleans, May 1, 1862, *Butler Correspondence*, I, 432-433.

²⁶² *Butler's Book*, 414.

²⁶³ Tupper, *Civil War Memories*, 7. The *Bee* confirms Tupper's memory, saying also that many letters were rifled and destroyed. (*Bee*, May 9, 1862.)

supervision exercised over the newspapers, it is unlikely that it would have dared to mention them, if they had not occurred. One report described the entry of some soldiers into Barthe's Drug Store on the corner of Ursuline and Dauphine streets, where one of them, dagger in hand, threw scales and other articles around the store.²⁶⁴ Another group are said to have beaten a Girod Street grocer, who refused to give them liquor.²⁶⁵

Incidents of this sort, however, seem to have been rare. And, when they did occur—if judgment can be made from the few recorded cases—the guilty persons, when caught, seem to have been duly punished. In one case where a corporal and two soldiers had entered a house without warrant to search for guns, the officer was degraded to the ranks and all three were deprived of a year's pay and required to do police duty for six months.²⁶⁶ At another time Butler showed himself capable of extreme severity towards his own men. A group of soldiers and citizens of New Orleans had, under pretense of authority from the commander, plundered a number of houses, from one of which they had stolen "Eighteen Hundred and eighty five dollars in current Bank Notes, one Gold Watch and chain, and one Bosom Pin." Soon caught and arrested, four of them were quickly hanged, while another "in consideration of his tender age" of eighteen was sentenced to an indefinite term of hard labor at Ship Island.²⁶⁷

Such punishment as this must have restrained many soldiers. At any rate, they seem in general to have been orderly enough. One intelligent and apparently impartial Englishman observed that they were "certainly very well behaved, and free from disorder."²⁶⁸ And George S. Denison, the revenue collector, who had criticism to make of other things, wrote that the soldiers were "the most quiet, orderly & gentlemanly" he had ever seen.²⁶⁹ Whether these witnesses are entirely dependable or not, it is true that after the war Butler's bitterest southern foes did not censure his men for their unauthorized acts in the city. No one accused him of not controlling them.²⁷⁰

²⁶⁴ *Bee*, May 6, 1862.

²⁶⁵ *Ibid.*, Sept. 10, 1862.

²⁶⁶ *Ibid.*, June 12, 1862.

²⁶⁷ Gen. Orders No. 98, New Orleans, June 13, 1862, *Butler Correspondence*, I, 588-589; Special Order No. 108, New Orleans, June 14, 1862, *ibid.*, I, 592-593; *Picayune*, June 15, 17, 1862.

²⁶⁸ [Corsan], *Two Months in the Confederate States*, 36-37.

²⁶⁹ Denison to his brother, James, New Orleans, June 12, 1862, *MS.*, Denison papers, Library of Congress.

²⁷⁰ The above conclusion in regard to the conduct of the soldiers is based mainly on the absence of evidence against them.

If General Butler was never accused of softness in handling his soldiers, neither was he considered lax in his treatment of recalcitrant rebels. As he himself said, he "did not carry on war with rose-water."²⁷¹ One of the first and most prominent examples of his method appears in the case of William B. Mumford. Mumford was one of the group who, the day after the Federal fleet arrived, had torn from the mint the flag which had been placed there by Farragut's order a few hours before. Reading of the incident in the papers while on his way up the river, Butler says he immediately remarked, "I will hang that fellow whenever I catch him."²⁷²

It was not long before this threat was carried out. Mumford was soon arrested and charged by the Provost Marshal with "high crime and misdemeanors against the laws of the United States, and the peace and dignity thereof and the Law Martial." He had, the charge read, "wickedly and traitorously rebelled against the Government of the United States" and given "aid and comfort to the enemies thereof." He had "sworn allegiance to a pretended Government called the Confederate States of America." He had, finally, "on or about the 30th of April ultimo, and after the naval forces of the United States taken possession of said city of New Orleans, and had signified such possession by hoisting the flag of the United States upon one of the Public buildings in said City, for the purpose of opposing the force of the United States and of showing his contempt for its laws, and his treasonable and wicked purposes, and to excite animosity and resistance to the lawful authority of the Government of the United States among the citizens of said city of New Orleans, . . . maliciously and wilfully" torn down "said flag from said building" and trailed it "ignominiously through the public streets, and there afterwards" had destroyed "said flag."

On May 30 the accused was tried before a military commission, which, after a plea of not guilty, heard the testimony of three witnesses: One testified that Mumford had told him "he was not the main man" in the business, and that other absent parties were "more culpable." The same witness stated that he knew "there was a paper called the *Crescent* published in said City, printed and published here in April (27th) from which the *Recorder* read an article, mentioning the prisoner's name as one of

²⁷¹ *Butler's Book*, 421.

²⁷² *Ibid.*, 371.

the parties who tore down the flag." The second witness testified that he had seen the flag torn down; that he had heard Mumford say that he was "the first man who put a hand to the flag to tear it down;" that Mumford had "no reputation for veracity" and that he did not seem to be intoxicated at the time of this admission; and that, finally, he was "a sporting man" and "much accustomed to drinking." The last witness declared that he had seen the prisoner coming out of the mint with the flag in his hand. Upon the basis of this evidence Mumford was immediately convicted and sentenced to be hanged.²⁷³

Up to the last minute the people of New Orleans did not believe that Mumford would be executed.²⁷⁴ When on June 5 Butler issued the order for the hanging,²⁷⁵ he says he received forty or fifty threatening letters decorated with pistols, coffins, skulls and crossbones. One of his secret service men warned him of the danger of carrying out the sentence. Mumford's wife and children pleaded with him. Dr. William N. Mercer, who he says was "one of the best gentlemen in the city," pleaded with him. But the General had made up his mind. He was determined to take the opportunity to make a spectacular example and to settle immediately and for good the question as to whether "law and order or a mob" should govern.²⁷⁶

Accordingly, on June 7 Mumford was hanged in front of the mint. Butler was, he says, "imitating the Spanish custom as to the place of execution, which places it as near as possible to the spot where the crime was committed."²⁷⁷ Standing on the scaffold, the condemned man was allowed to make a speech, in which he is said to have declared that his sentence was unjust, but that he was willing to die.²⁷⁸ The assembled crowd, according to Butler, was "a swearing, whiskey-drinking mob," with "their bottles and pistols sticking out from their pockets when not in their hands."²⁷⁹

²⁷³ Record of the Mumford Court Martial, *Butler Correspondence*, I, 482-483. Since none of the three witnesses claimed to have seen Mumford himself actually tear the flag down; and since the one who reported having heard him confess, testified to his poor reputation for veracity, it is interesting to note that both Marion Southwood ("Beauty and Booty," 107-108) and Sarah A. Dorsey (*Recollections of Henry Watkins Allen, Brigadier-General Confederate States Army, Ex-Governor of Louisiana*, New York, 1866, p. 112) claim that the flag was torn down, not by Mumford, but by one Adolphe Harper. Mrs. Dorsey says that Harper, a lad of sixteen, was hurried out of the city immediately after the event by alarmed friends and sent up the river to Natchez. It is not intended to suggest here that these claims prove Mumford's innocence. But, when taken together with the rather flimsy evidence upon which he was convicted, they seem to offer some ground for doubt. It is certain that Mumford was one of the group concerned, but whether he actually tore down the flag, as charged, is the question.

²⁷⁴ *Picayune*, June 8, 1862; *Butler's Book*, 440-441.

²⁷⁵ Special Order No. 70, New Orleans, June 5, 1862, *Butler Correspondence*, I, 574.

²⁷⁶ *Butler's Book*, 440-443, *passim*.

²⁷⁷ *Ibid.*, 441.

²⁷⁸ *Bee*, June 9, 1862.

²⁷⁹ *Butler's Book*, 442.

Sullen and angry, they could not believe that Mumford was really to hang. When the drop fell, however, they made no demonstration, but dispersed "with an inward shudder," while the body was left hanging for half an hour.²⁸⁰

The execution of Mumford immediately became—and remained for a long time—one of the best atrocity stories of the war.²⁸¹ Mumford became one of the first martyrs of the Confederacy. Governor Moore proclaimed the "noble heroism of the patriot" who had "met his fate courageously, and . . . transmitted to his countrymen a fresh example of what men will do and dare when under the inspiration of fervid patriotism."²⁸² From Richmond, Lee was ordered to demand an explanation from Halleck for the outrageous execution of a Confederate citizen for an act committed before the city was occupied.²⁸³ Even in the border state of Missouri the *Hannibal Herald* declared, "The miserable hireling Butler is playing the tyrant with a high hand. His savage instincts are far ahead of the most ferocious native of Dahomey or Patagonia."²⁸⁴

While the case of Mumford was the most spectacular, there were others in which Butler wielded his iron hand. Accused of threatening to kill a man who had rented his house to the Federals, William Benzie was sentenced to hard labor at Fort Jackson "for life," with a ball weighing not less than twelve pounds attached to his legs by a chain not less than four feet long.²⁸⁵ Edward W. Outlaw was committed to the same place for three months for disturbing the peace and insulting soldiers.²⁸⁶ Fidel Keller was sent to Ship Island for two years, for having ex-

²⁸⁰ *Picayune*, June 8, 1862; *Bee*, June 9, 1862.

²⁸¹ Grace King, in *New Orleans: The Place and the People* (New York and London, 1895) makes her story of the hanging (p. 308) even more pathetic by referring to Mumford as a "lad."

²⁸² Address of Gov. Moore, Opelousas, La., June 18, 1862, *Butler Correspondence*, II, 22.

²⁸³ See Jefferson Davis, Proclamation, Richmond, Dec. 23, 1862, *O. R. A.*, Ser. I, v. 15, p. 906. Much argument and righteous indignation on both sides resulted from the Confederate claim that the city had not been surrendered or occupied when the flag was torn down; that Farragut had no right to place the flag over the mint before the occupation or surrender; and that, therefore, Butler was not justified in punishing Mumford. It is true that the city was obviously helpless and that Farragut had demanded surrender, but on the morning of April 26 no formal surrender or occupation had taken place. It is certain that the flag was placed over the mint, and torn down, while negotiations were still in progress. It is possible that the Federal authorities had the question in mind when in charging Mumford they dated the act "on or about" April 30. Farragut had taken formal possession on the 29th. But the flag was unquestionably torn down on the 26th; and even in the official account of the trial it is stated that the recorder read an account of the act from the *Crescent* of April 27. As a matter of strict accuracy the *Crescent* carried the story on Monday, the 28th, because it did not print a Sunday edition.

²⁸⁴ *Hannibal Herald*, June 10, 1862, quoted in *O. R. A.*, Ser. II, v. 4, p. 135. Though giving no indication of doubt in his mind as to the justice of Mumford's execution, in his autobiography Butler says that in 1869 he personally paid a lien of about \$80 against the home of Mumford's widow in Wytheville, Va., and that he afterwards helped her get a job as a government clerk in Washington (*Butler's Book*, 443-445).

²⁸⁵ *Bee*, May 14, 1862.

²⁸⁶ *Ibid.*, May 8, 1862.

hibited in the window of his bookstore a skeleton "labelled 'Chickahominy,' in large letters, meaning and intending that the bones should be taken by the populace to be the bones of an United States soldier slain in that battle."²⁸⁷ Judge John W. Andrews received the same sentence for a similar offense. He had, according to the charge, "exhibited a Cross, the emblem of the suffering of our blessed Savior, fashioned for a personal ornament, which he said was made from the bones of a Yankee soldier, and having shown this, too, without rebuke in the Louisiana Club which claims to be composed of Chilvaric Gentlemen."²⁸⁸

What awaited those who were sent to Ship Island is described by a prisoner: "I was consigned," he wrote, "with seven other respectable citizens to a small hut fifteen feet by twenty, exposed to rain and sun, without permission to leave except for a bath in the sea once or twice a week.... There are about sixty prisoners here, all of whom are closely confined in portable houses and furnished with the most wretched and unwholesome condemned soldiers' rations."²⁸⁹ This man, complaining to President Davis, would have been likely to exaggerate the hardships. But a New York newspaper correspondent does not paint a pleasant picture in the following: "Ship Island is a barren, sandy, arid waste, as a residence, . . . the thermometer from 85 deg. to 95 deg. in

²⁸⁷ Special Order No. 151, New Orleans, June 30, 1862, *Butler Correspondence*, II, 24; *Picayune*, July 3, 1862.

²⁸⁸ Special Order No. 152, New Orleans, June 30, 1862, *Butler Correspondence*, II, 25. Bonzano, the Acting Supt. of the Mint in New Orleans, appealed to E. H. Derby, a friend in Boston, to intercede with Butler, or even with the War Department in this case. Bonzano, a member of the Louisiana Club, said that he had been unable to find anybody connected with the club who had ever seen or heard of the cross. Andrews claimed to have had it from Virginia in a letter, the writer of which stated that, though "the boys in Camp" wished him to say it was made from the bones of a Yankee, he himself thought it made of ivory. Andrews did not remember showing it to anybody, though some one might have been with him when it was received at the Post Office, and he might have shown it in his own office. But he certainly did not show it "with any spirit of exultation." Bonzano, for his part, thought the Judge "incapable of such fiendish, inhuman joy." Though the sentence was very severe and Andrews feeble and unable to endure such punishment, his friends could not prevail on Butler to change the sentence. "Perhaps," Bonzano wrote, "after a while, he will be better disposed to reconsider his case. There have been some aggravated cases of this kind before the General lately, he has dealt with them all alike." (H. Bonzano to E. H. Derby, New Orleans, July 2, 1862, *Butler Correspondence*, II, 62-63.)

This letter was soon afterwards sent to Butler by Derby, who praised Andrews highly as a native and member of a prominent family of Boston, "a frank, manly, and generous fellow." In the past, during yellow-fever epidemics in New Orleans, Derby said that Andrews was reported to have "devoted himself to many Northern men regardless of personal exposure, and evinced a self sacrificing spirit." While declaring his complete lack of sympathy with secession and endorsing Butler's New Orleans policy, Derby hoped that the case could be reviewed and Andrews confronted with his accuser. If this was impossible, he asked at least for a modification of the sentence. Otherwise, he feared that two years at Ship Island would mean death for Andrews. (E. H. Derby to Butler, Boston, July 14, 1862, *Butler Correspondence*, II, 59-60.)

Whether Butler heeded this request has not been ascertained. Parton only mentions the case and prints the sentencing order (*Butler in New Orleans*, 439, 442); while Butler refers to its briefly in his *Book*, calling Andrews "one Andrew, a cousin of my friend the Governor of Massachusetts, a high-toned gentleman (?)" (*Butler's Book*, 511, 512-513).

²⁸⁹ Alexander Walker to Jefferson Davis, Ship Island, Sept. 13, 1862, *O. R. A.*, Ser. II, v. 4, p. 880.

the shade, with the additional pleasure of having the walls of the wooden houses ornamented by a living cover of flies; reminding a person who is the unfortunate occupant that his house may move off some day by magical wings. There are millions upon millions of flies; men as well as animals are almost devoured by them.”²⁹⁰

By making a spectacular example of Mumford and meting out severe punishment to others, Butler seems to have found it relatively easy to keep the men of New Orleans in check. But controlling the women was a different and more delicate problem.²⁹¹ All over the Confederacy the women were noted for their bitterness toward the North. And the women of New Orleans were no exceptions. When the Yankees arrived, they were furious. “Better to die than to be under their rule,” wrote one.²⁹² “Our square opposite is filled with the low filthy beings,” wrote another.²⁹³ “Oh! how I hate the Yankees! I could trample on their dead bodies and spit on them!” a “pretty Creole lady” is reported to have said.²⁹⁴

It is not surprising that such emotions should have found expression. Of the conduct of the ladies Butler gives a vivid account. Upon meeting soldiers in the streets, they would, he says, turn out into “the carriage way” and hold their skirts aside with ostentatious care—as if to prevent contaminating contact. When soldiers boarded horse cars, the women would immediately get off “with every sign of disgust, abhorrence, and aversion.” Their acts seemed “rather the more venomous towards the officers.” On one occasion, when Butler was out riding, five or six women were seen leaning over a balcony together. As he passed, they all “whirled around back to with a flirt which threw out their skirts in a regular circle like the pirouette of a dancer.” Whereupon, the General turned to his aide and “in full voice” said, “those women evidently know which end of them looks best.”²⁹⁵

It is possible that Butler’s stories may have been colored by his own emotions. A Richmond paper, according to a quotation in the *New York Herald*, thought that the accounts published by Northern writers of “vulgar coarseness . . . on the part of

²⁹⁰ *New York Herald*, June 2, 1862.

²⁹¹ See *Butler’s Book*, 414.

²⁹² *Journal of Julia LeGrand*, 45-46.

²⁹³ Mary Newman to her sister Alice, New Orleans, May 28, 1862, *MS.*, *Butler Papers*, Library of Congress.

²⁹⁴ [Corsan], *Two Months in the Confederate States*, 29-30.

²⁹⁵ *Butler’s Book*, 415-416.

well-bred Southern women" were only "emanations from their own coarse and vulgar minds." Southern ladies would not descend to make such "indelicate and unlady-like manifestations." Their abhorrence of Yankees was "too intense and profound to babble like a shallow brook" and "too sacred and dignified to fret away its force in idle word."²⁹⁶ Nevertheless, it is clear that in New Orleans the Northerners were snubbed on every hand. Southern ladies had tempers as well as manners. The *Crescent* describes an incident in which some of them were rather amusingly fooled. Two officers, riding a horsecar one day, noticed that, though the car was often hailed by women, none got on board. To their question as to the reason for such conduct, the driver replied, "Sirs, you are Federal officers, and they don't exactly like your company." Whereupon the officers burst into laughter and cried, "We are not Federal but French officers, and entirely too gallant to deprive the ladies of their ride, and will therefore retire." "Suiting the action to the word," the *Crescent* reports, the Frenchmen "left the cars and proceeded on their way on foot, meditating on 'the course of human events.'"²⁹⁷ About the same time the *Bee* printed a letter which Butler claimed to have taken from the body of a spy, in which the writer told of a woman who had quickly left "Dr. Palmer's Church," when two officers entered the pew where she was sitting.²⁹⁸

There are in the records cases of two women whom Butler sent to Ship Island. One, Mrs. Philip Phillips, was accused of "laughing and mocking" from her balcony at the passing funeral procession of a Federal soldier. This, according to the charge, was not her first offense. She had at one time been imprisoned in Washington for "traitorous proclivities and acts," but had been released "by the clemency of the Government." Again, she had been found "training her children to spit upon the Officers of the United States at New Orleans, for which act of one of those children both her husband and herself apologized and were again forgiven."²⁹⁹ Another woman, Mrs. John Larue, was said to have caused much disturbance, when, dressed in Confederate colors and wearing a Confederate flag, she began to distribute in St. Charles Street handbills telling of a supposed capture of General McClellan. She screamed when an officer tried to arrest her; and immediately

²⁹⁶ *Richmond Dispatch*, May 9, 1862, quoted in *New York Herald*, May 14, 1862.
²⁹⁷ *Crescent*, May 9, 1862.

²⁹⁸ "Bro. John" to "Ellen," New Orleans, May 7, 1862, in *Bee*, May 16, 1862.

²⁹⁹ Special Order No. 150, New Orleans, June 30, 1862, *Butler Correspondence*, II, 36-37.

some one rushed out of a store and shot him. Soon the provost guard came, dispersed the crowd, and took Mrs. Larue to the guardhouse.³⁰⁰

These two "she rebels," as a Union chaplain called them,³⁰¹ Butler did send to prison. But in general, he says he thought it unwise to arrest women for exhibiting their patriotism by such popular acts as insulting soldiers. Many of them were "pretty and interesting," and some had "a lady-like appearance." And to be continually putting them in jail would have been a strong incitement to riot in the city.³⁰²

But some method of control had to be devised. Such conduct could not be tolerated. After much thought, therefore, Butler says he remembered an old English ordinance he had once seen, which he thought, with a few changes, might serve the purpose. The order must be one which would execute itself; or it would do more harm than good.³⁰³ Consequently, on May 15 he issued the following:

As the officers and soldiers of the United States have been subject to repeated insults from the women (calling themselves ladies) of New Orleans, in return for the most scrupulous noninterference and courtesy on our part, it is ordered that hereafter when any female shall, by word, gesture, or movement, insult or show contempt for any officer or soldier of the U. S., she shall be regarded and held liable to be treated as a woman of the town plying her avocation.³⁰⁴

Butler says that when his Chief of Staff, Major Strong, read the order, he remarked, "This order may be misunderstood, General. It would be a great scandal if only one man should act upon it in the wrong way."

"Let us, then," Butler replied, "have one case of aggression on our side. I shall know how to deal with that case, so that it will never be repeated. So far, all the aggression has been against us. Here we are, conquerors in a conquered city; we have respected every right, tried every means of conciliation, complied with every reasonable desire; and yet we cannot walk the streets

³⁰⁰ Special Order No. 179, New Orleans, July 10, 1862, *ibid.*, II, 57; *Picayune*, July 11, 12, 1862. Mrs. Larue was released in about two weeks and Mrs. Phillips in September. (Butler to Mrs. Larue, New Orleans, July 30, 1862, and Order of Butler, New Orleans, Sept. 14, 1862, *Butler Correspondence*, II, 57, 292.)

³⁰¹ Chandler Gregg, *Life in the Army in the Departments of Virginia, and the Gulf, Including Observations in New Orleans, with an Account of the Author's Life and Experience in the Ministry* (Philadelphia, 1868), 170.

³⁰² *Butler's Book*, 417.

³⁰³ *Ibid.*, 418.

³⁰⁴ Gen. Orders No. 28, New Orleans, May 15, 1862, *Butler Correspondence*, I, 490.

without being outraged and spit upon by green girls. I do not fear the troops, but if aggression must be, let it not be all against us.' "³⁰⁵

The next day the *Delta* commented guardedly, but with feeling between the lines that was obvious: "In giving publicity to order No. 28, from Gen. Butler, we have little apprehension that our readers will suspect that we do so with any other feelings but those which pervade the whole community. Such publicity may not be unproductive of good results."³⁰⁶ A few days later Beauregard had the order read as an inspiration to his men at Corinth, and appealed to them himself: "MEN OF THE SOUTH: Shall our mothers, our wives, our daughters, and our sisters be thus outraged by the ruffianly soldiers of the North, to whom is given the right to treat at their pleasure the ladies of the South as common harlots? Arouse, friends, and drive back from our soil those infamous invaders of our homes and disturbers of our family ties."³⁰⁷ In Columbia, South Carolina, Mrs. Chestnut, calling Butler a "hideous, cross-eyed beast," remarked in her diary, "We hardly expected from Massachusetts behavior to shame a Comanche."³⁰⁸ Paul Hamilton Hayne broke into indignant, florid verse.³⁰⁹

The news soon spread abroad, and *Punch*,—"whose laugh," according to Parton, "was always humane and just, till the slaveholders . . . rose in arms against all that Englishmen used to hold dear"—was inspired to bitter song.³¹⁰ And Lord Palmerston felt himself impelled to rise in Parliament and blush for the Anglo-Saxon race, saying that to the proclamation he did not "scruple to attach the epithet infamous."³¹¹ On the Continent also comment was heard. From St. Petersburg Butler's friend, Simon Cameron, himself approving, wrote that the order had been "misrepresented" in other parts of Europe.³¹²

From Boston General Butler received a request from a friend to be allowed to "publish something" about the order. He had heard that it was based on a New Orleans ordinance, which had been in force in the past. Jealous of "the good fame and name"

³⁰⁵ *Butler's Book*, 418-419.

³⁰⁶ *Delta*, May 16, 1862.

³⁰⁷ Order of Beauregard, Corinth, Miss., May 19, 1862, *O. R. A.*, Ser. I, v. 10, part 2, p. 531.

³⁰⁸ Mary B. Chestnut, *A Diary from Dixie*, (New York, 1905), 165, 183.

³⁰⁹ Hayne's poem is quoted in Parton, *Butler in New Orleans*, 340-341.

³¹⁰ *Ibid.*, 341-342.

³¹¹ *Ibid.*, 341.

³¹² Simon Cameron to Butler, St. Petersburg, June 23, 1862, *Butler Correspondence*, I, 631.

of his friends, he hoped that he might be able to put the matter "in its true and proper light."³¹³ To this and to a similar letter from another friend Butler replied in explanation. Describing the intolerable conduct of the New Orleans women, he asked, "What was there to be done? Oh, my friend, sitting in your easy chair at home! Is a she-adder to be preferred to a he-adder when they void their venom in your face? You say 'arrest the women and put them in the Guard House.' But that is the place where we shut up thieves and assassins and drunken soldiers, not a bower for lovely ladies. What would have been said had I shut up Mrs. Judge This and Mrs. Col. That and the honorable Miss so and so; redolent of civet and radiant with rouge, in such a place? Would their *honor* have been particularly safe there?"³¹⁴

That the order had been so misconstrued was wonderful and would "lead one to exclaim with the Jew, 'O Father Abraham, what these Christians are, whose own hard dealings teach them to suspect the very thoughts of others.'" *Honi soit qui mal y pense.* "Pray how do you treat a common woman plying her vocation in the streets?" he asked. "You pass her by unheeded. . . . If she speaks, her words are not opprobrious. It is only when she becomes a continuous and positive nuisance that you call a watchman and give her in charge to him." A gentleman does not need either to insult or "hold dalliance" with her. "The Editor of the Boston *Courier* may so deal with common women, and out of the abundance of the heart his mouth may speak, but so do not I."³¹⁵

The wisdom of the order, Butler contended, had been shown by its result. After its issuance his men were honor-bound not to notice the acts of the women; and, consequently, they had no longer been insulted. "On the 24th day of February last," he said, "my officers were insulted by she-rebels in Baltimore. On the 24th day of May last, they were *not* insulted in New Orleans by he or she." If the order had not been issued the General would "issue it to-morrow in *ipsissimis verbis.*"³¹⁶

In New Orleans the cryptic comment of the *Delta* had not been the only expression of feeling against the order. As soon as it appeared, the irascible Mayor Monroe—who was still nominally head of the city government—protested to General Butler

³¹³ J. G. Carney to Butler, Boston, May 31, 1862, *ibid.*, I, 530.

³¹⁴ Butler to O. C. Gardner, New Orleans, June 10, 1862, *ibid.*, I, 582.

³¹⁵ Butler to J. G. Carney, New Orleans, July 2, 1862, *ibid.*, II, 35-36.

³¹⁶ Butler to O. C. Gardner, New Orleans, June 10, 1862, *ibid.*, I, 581-583.

in an impassioned letter. He had not anticipated, he said, a war against women and children, whose only offense had been to show their displeasure at the occupation of an enemy. As chief magistrate of the city, he could not in any way be responsible for peace and order, while such an edict remained in force. "To give a license," he concluded, "to the officers and soldiers of your command to commit outrages such as are indicated in your order, upon defenseless women, is in my judgment a reproach to the civilization not to say the Christianity of the age in whose name I make this protest."³¹⁷

Summoned immediately before Butler, the Mayor was told that the language of the letter could not be tolerated; and that, if he did not wish any further responsibility for the peace of the city, he would be sent to a place of safety at Fort Jackson. To Monroe's reply that he had only wished "to vindicate the honor of the virtuous women of the city," Butler answered that, since the order was not directed at such persons, no vindication was necessary. Indicating his satisfaction with this explanation, Monroe signed an apology for his letter and withdrew.³¹⁸

But the incident was not yet closed. The next day Mayor Monroe again appeared at General Butler's office, wishing to withdraw his apology. And again he went away, apparently satisfied when Butler agreed to the publication of the letter and apology, along with a statement from Butler that the order applied only to ladies who offered insult. Soon Monroe asked for a second time to withdraw the apology, and sent another letter similar to the first one. But now Butler was tired of being "played with" and determined to have "no more 'weathercock' business." Accordingly, he called Monroe and several others to his office; and, after a short questioning ordered the Mayor, his secretary, the Chief of Police, and a Judge Kennedy, all to be sent to Fort Jackson.³¹⁹

³¹⁷ Monroe to Butler, New Orleans, May 16, 1862, *ibid.*, I, 497-498.

³¹⁸ "Memorandum" following Monroe's letter, *ibid.*, I, 498; Monroe to Butler, May 16, 1862, *ibid.*, I, 499.

³¹⁹ Monroe to Butler, New Orleans, May (17), 1862, *ibid.*, I, 499; "Minutes of Interview between General Butler and the Mayor of New Orleans," May 19, 1862, *ibid.*, I, 499-501. At the same interview Butler announced the arrest of six paroled Confederate soldiers who had been discovered in a plot to escape beyond the lines, and who were said to have adopted the name of the "Monroe Life Guards" in honor of the Mayor who was expected to assist them. These men were at first condemned to death, but, after the appeal of two prominent Unionists, the sentence was commuted to hard labor at Ship Island. (Gen. Orders No. 36, New Orleans, May 31, 1862; J. Ad. Rosier and T. J. Durant to Butler and Butler to Rosier and Durant, New Orleans, June 3, 1862, all in *ibid.*, I, 571-574.) Parton says that this reprieve, issued just before the execution of Mumford, rendered similar action in his case impossible (*Butler in New Orleans*, 351).

Upon the imprisonment of Monroe, Butler appointed Brig. Gen. George F. Shepley Military Commandant of New Orleans.

The purpose of all these acts was to maintain order and discipline. After the Mumford hanging Butler says there was never any scene "approaching general disorder" as long as he was in New Orleans.³²⁰ And after the woman order there was no trouble on that score.³²¹ Though the General was never given to understatement of his case, he seems to have been justified in these claims. As to the conduct of the women, a visitor to the city in the fall said that of course they were "less guarded than the gentlemen;" but that, beyond refusing any social contact with the soldiers and "perhaps singing the 'Bonnie Blue Flag' with more frenzied energy," he "neither saw nor heard of any act of which any gentleman would take cognizance."³²² As far as the men were concerned, there is no evidence of any appreciable disorder or lawlessness after the first few weeks. Indeed, though on May 25 the *Picayune* reported that thieves were doing a "smashing business," six weeks later it declared that the city had "never before" been "so free from burglars and cut-throats."³²³ And by fall the *Bee* said that the Garden District was as quiet as "Sleepy Hollow."³²⁴

But maintaining law and order was not the only reason for occupying New Orleans. Simple conquest was not the only goal of the Washington government. It is true that the rebels had to be subdued. But, as Fox had said, the deluded wanderers had also to be drawn back into the ark. They had to be convinced, if possible, that only in the Union would they find security and happiness. This end General Butler was evidently determined to accomplish. Soon after his arrival, he is said to have declared that in six months New Orleans would be either "a Union City or—a home of the Alligator."³²⁵

As a basis for action, it seemed wise to try to separate the sheep from the goats, to find out who would and who would not come quietly into the ark. Now, in the Commanding General's first proclamation, assurance had been given to former adherents or servants of the Confederacy that all who would sever relations

³²⁰ *Butler's Book*, 443.

³²¹ In the case of Mrs. Phillips, which occurred after the woman order was issued, Butler specified in sentencing her "that she be not 'regarded and treated as a common woman,' of whom no officer or soldier is bound to take notice, but as an uncommon, bad, and dangerous woman, stirring up strife and inciting to riot." (Special Order No. 150, New Orleans, June 30, 1862, *Butler Correspondence*, II, 37.)

³²² [Corsan], *Two Months in the Confederate States*, 28-29.

³²³ *Picayune*, May 25, July 9, 1862.

³²⁴ *Bee*, Nov. 18, 1862.

³²⁵ George S. Denison to his mother, New Orleans, June 10, 1862, *MS.*, Denison Papers, Library of Congress.

with it and go quietly about their work would not be disturbed in person or property, except as the "exigencies of the public service" might require. By June 10, however, the "public exigency," in his opinion, required that those who were "well-disposed" toward the United States should be distinguished from those who still clung to the Confederacy. It was therefore ordered that all public officials, of whatever kind, should within five days formally swear allegiance to the United States and promise to support its Constitution; and that all former citizens of the United States who wished "any favor, protection, privilege, passport, or to have money paid them, property, or other valuable thing whatever delivered to them, or any benefit of the power of the United States extended to them, except protection from personal violence," should subscribe to the same oath. The oath would not, of course, be forced upon any one. It was far too sacred "to be profaned by unwilling lip service." After all, it enabled "its recipient to say, 'I am an American citizen,' the highest title known, save that of him who can say with St. Paul, 'I was free born,' and have never renounced that freedom."³²⁶

Requiring the oath of all officeholders gave a final blow to the civil government of the city. It had already—first by the restrictions placed upon it in Butler's initial proclamation, and then by the appointment of Brigadier General George F. Shepley as Military Commandant to replace Monroe—been stripped of all effective power. Now came its formal dissolution. About a week after the order was issued, the *Bee* reported that an attempt to hold a meeting of the City Council had been a "perfect fizzle," only a few members appearing at all. The City Surveyor, the Controller, and the Treasurer had vacated their offices and sent their keys to General Shepley. "Order No. 41," it is said, "is the order of the day; but as far as the Municipal Hall is concerned, we cannot say that 'order reigns in Warsaw.'"³²⁷ About ten days later General Shepley declared the legislative power suspended, since the seat of all aldermen had by that time been vacated, either by refusal to take the oath or by expiration of their terms. Those vacancies would not be filled until there were

³²⁶ Gen. Orders No. 41, New Orleans, June 10, 1862, *Butler Correspondence*, I, 574-576. With the copy of the order which he sent to Stanton, Butler pointed out that he had been without instruction from the War Department, except on routine matters, since he left Washington. He had not received even one General Order issued to the army of a later date than March 3. Leaving him to his own discretion was complimentary, but embarrassing. In publishing this order, therefore, he had been guided only by the best light he had, and hoped that it would be approved (Butler to Stanton, New Orleans, June 10, 1862, *Butler Correspondence*, I, 569-570).

³²⁷ *Bee*, June 18, 1862.

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enough loyal citizens in New Orleans "to entitle them to resume the right of self-government." In the meantime, the city would be governed by the Commandant, with the aid of two appointed boards: a "bureau of finance" and a "bureau of streets and landings."³²⁸

The city officials had been tested and found loyal to the Confederacy. But how about the people? How many of them were ready to take the oath? Parton and Butler claim that by August 7 nearly twelve thousand had sworn allegiance to their conquerors.³²⁹ The existing oath books of the Provost Marshals, however, show slightly less than six thousand in the period from June through September.³³⁰ At any rate, it is clear that in the summer of 1862 only a small minority of the people of New Orleans were ready to sacrifice their loyalty to the Confederacy in order to gain the favor of the enemy. There must have been, to be sure, many who were prevented from choosing the safer course by the pressure of public opinion, rather than by a consideration of abstract principles. For Parton says the "social influence" of the city was all used against taking the oath; that ladies refused to receive gentlemen who had taken it; and that books were kept by ardent rebels containing, for future reference, the names of those who had been disloyal.³³¹

By fall, however, when the congressional confiscation act went into full effect, Butler had an effective weapon with which to combat this social influence. This act, passed in July provided for the immediate confiscation of property belonging to civil and military officials of the Confederacy; and gave all others who had aided or countenanced the rebellion sixty days in which to return to their allegiance.

As the end of the period of grace drew near the people became extremely frightened. They had already seen how Butler could confiscate. As soon as he arrived, he had sequestered the property of prominent rebels like General Twiggs and John Slidell; and he had taken possession, for military purposes, of numerous private houses and buildings. The city, therefore, could not have been surprised, when on September 24, the day after the grace period expired, Butler ordered that all persons, of the

³²⁸ Order of Gen. Shepley, New Orleans, June 27, 1862, in Parton, *Butler in New Orleans*, 452-453.

³²⁹ Parton, *Butler in New Orleans*, 462; *Butler's Book*, 473.

³³⁰ These oath books are in the Adjutant-General's Office in Washington.

³³¹ The *Bee* reported on August 8 that James Beggs had been sent to Ship Island for trying to intimidate oath-takers and for keeping their names in what he called "s---- b---- book."

age of eighteen or over, male or female, who had ever been citizens of the United States, and who had not renewed their allegiance, should register,—with a description of their property,—as enemies of the United States. As a double check he further ordered all householders in the city to make returns describing the status of those who resided in their houses. Finally, at the end of the order, he added that those who would take the oath before October 1 would be "recommended to the President for pardon."³³²

With the appearance of this order, the "social influence" against taking the oath quickly collapsed. Under this compulsion, the people rushed to the oath offices: less than four thousand registered as enemies, while, before Butler left, some sixty thousand had taken the oath.³³³ Most of them doubtless swore with tongues in their cheeks. "It was 'understood,'" says Parton, "among the secessionists, that an oath given to Yankees for the purpose of retaining property was a mere form of words not binding upon the consciences of the chivalric sons of the South."³³⁴

Thus, by giving lip service to the Union, most of the people of New Orleans were able to protect their property from confiscation. But for the absentee rebels there was no such opportunity; their property was seized and promptly sold at auction. How much was realized for the government from such sales is impossible to determine. Parton says that confiscation in Louisiana yielded a million dollars to the Treasury. But in this estimate he evidently includes the proceeds from the sales of the large amounts of rebel property, which was brought into New Orleans from the Lafourche district on the western bank of the river.³³⁵ In any case, the sight of furniture, silver, jewelry, and clothing being auctioned off made the people more bitter than ever against the conquerors. And, whether justifiably or not, they believed that Butler and his officers were profiting personally from the sales.³³⁶ As a token of their disgust they added the nickname "Spoon" to Butler's other titles; and, though no positive evidence has ever

³³² Gen. Order No. 76, New Orleans, Sept. 24, 1862, *O. R. A.*, Ser. I, v. 15, pp. 575-576.
³³³ Parton, *Butler in New Orleans*, 474.

³³⁴ *Ibid.*

³³⁵ *Ibid.*, 584. For the order concerning this Lafourche property, see Gen. Orders No. 91, New Orleans, Nov. 9, 1862, *O. R. A.*, Ser. I, v. 15, pp. 592-593.

³³⁶ There were many contemporary charges made against Butler and his officers in connection with these sales; and since that time they have been accepted or rejected, according to individual sympathies. Corruption there probably was; under the circumstances, it would have been remarkable if there had not been. Denison says the commission which handled the sales of the Lafourche property was a "corrupt concern" (Denison to Chase, New Orleans, Dec. 23, 1862, *Amer. Hist. Assoc. Report for 1902*, II, 341.) But he makes no more specific charge.

been produced to prove the charge, it is generally believed today in other parts of the country, as well as in New Orleans, that General Butler personally stole silver spoons.³³⁷

Requiring oaths of allegiance and confiscating rebel property were not the only methods by which Butler sought to make a Union city out of New Orleans. In his first proclamation the newspapers had been placed under strict censorship and all public meetings had been forbidden. But no mention had been made of church services except that they should be continued "as in times of profound peace." Now, here was an obvious weakness in the iron hand. If the spirit of Secession were to be squelched, surely it would be wise to give some directions to preachers, as well as to editors and other potential propagandists. After all, the clergymen of New Orleans had been vocal secessionists and patriotic Confederates. And it was unlikely that they had so quickly seen the error of their ways. As a precautionary measure, therefore, they were soon warned as follows: "Hereafter in the churches in the city of New Orleans, prayers will not be offered up for the destruction of the Union or constitution of the United States, for the success of rebel armies, for the Confederate States, so called, or any officers of the same, civil or military, in their official capacity." While protection was to be afforded to all churches, and services were still to be held "as in times of profound peace," such protection would not be "allowed to be perverted to the upholding of treason or advocacy of it in any form."³³⁸

According to Parton, the spirit of this order was consistently violated. Instead of the usual prayers for Davis and the Confederacy, the ministers would, at the appropriate place in the service, simply call for a few minutes of silent prayer. On one occasion when Major George C. Strong, attending services at an Episcopal church, heard the minister, Mr. Goodrich, thus evade the order, he rose from his seat, ordered the service to cease, and the church to be shut; while he himself left to report the incident to General Butler.³³⁹ This scene inspired an anonymous poet to the following verses, which for vividness, at least, are worth quoting:

³³⁷ The fact that so much personal property, including silverware, was confiscated probably gave rise to the "spoon" tradition.

³³⁸ Order of Gen. Shepley, New Orleans, May 28, 1862, Parton, *Butler in New Orleans*, 337-338.

³³⁹ *Ibid.*, 338, 482-483.

Come, boys, and listen while I sing
The greatest fight yet fought—
That time the hated Yankee
A real Tartar caught.
'Twas not the first Manassas,
Won by our Beauregard,
Nor Perryville, nor Belmont,
Though Polk then hit him hard;
Nor was it famous Shiloh,
Where Sydney Johnston fell—
No, these were mighty battles,
But a greater I will tell.
'Twas fought on Sunday morning,
Within the Church's walls,
And shall be known in history
As the battle of St. Paul's.
The Yankee Strong commanded
For Butler the abhor'd,
And the Reverend Mr. Goodrich
Bore the banner of the Lord.
The bell had ceased its tolling.
The service nearly done,
The Psalms and Lessons over,
The Lord's Prayer just begun;
When as the Priest and people
Said "Hallowed be Thy name,"
A voice in tones of thunder
His order did proclaim:
"As this house has been devoted
To Great Jehovah's praise,
And no prayer for Abra'm Lincoln
Within its wall you raise,
Therefore of rank Secession
It is an impious nest,
And I stop all further service,
And the clergyman arrest;
And in name of General Butler,
I order furthermore,
That this assembly scatter,
And the Sexton close the door."
Up rose the congregation—
We men were all away,
And our wives and little children
Alone remained to pray.
But when has Southern woman
Before a Yankee quailed?
And these with tongues undaunted
That Lincolnite assailed,

In vain he called his soldiers—
Their darts around him flew,
And the *Strong* man then discovered
What a woman's tongue can do.
Some cried, "We knew that Butler
On babes and women warr'd,
But we did not think to find him
In the temple of the Lord."
Some pressed around their pastor,
Some on the villain gazed,
Who against the Lord's anointed
His dastard arm had raised.
Some said, "E'en to a Yankee
We would not do such wrong,
As to mistake another
For the gallant Major Strong;
So we'll look upon the hero
Till his face we cannot doubt,"
While a stout old lady shouted,
"Do some one kick him out."
"Don't touch him," cried another,
"He is worthy of his Ruler,
For he fights with women braver
Than he fought at Ponchatoula."
But when the storm raged fiercest,
And hearts were all aflame,
Like oil on troubled waters,
The voice of blessing came—
For though with angry gestures
The Yankee bid him cease,
The Priest, with hands uplifted,
Bid his people go in peace;
And called down heavenly blessings
Upon that tossing crowd,
While the men their teeth were clenching,
And the women sobbing loud,
And then with mien undaunted
He passed along the aisle,
The gallant Yankee hero
Behind him all the while.
"You better bring a gunboat,
For that's your winning card,"
Said a haughty little beauty,
As the *Strong* man called a guard.
" 'Tis only 'neath their shelter
You Yankees ever fight,"
Cried another spunky woman
Who stood upon his right.

But the Major thought a cannon
(If his men could not succeed
In clearing off the sidewalk),
Would be all that he should need.
And I guess his light artillery
'Gainst Christ Church he will range,
When his "base of operations"
Next Sunday he shall "change".
'Twas thus the tyrant Butler,
Mid woman's sobs and tears,
Seized a priest before the altar
He had served for twenty years.
We know in darkest ages
A Church was holy ground,
Where from the hand of Justice
A refuge might be found;
And from the meanest soldier
To the highest in the land,
None dared to touch a fugitive
Who should within it stand.
'Twas left the beastly Butler
To violate its walls,
And to be known in future
As the Victor of St. Paul's.
He has called our wives "She-adders,"
And he shall feel their sting,
For the voice of outraged woman
Through every land shall ring.
He shall stand with Austrian Haynau
Upon the rolls of ~~fame~~,
And bear to latest ages
A base, dishonored name.³⁴⁰

Shortly after this event, Goodrich and two other Episcopal clergymen, Messrs. Leacock and Fulton, were ordered to use in their services the regular liturgy of the Church in the United States, which provided for a prayer for the President. This demand they "contumaciously refused" to obey. They could not consider praying for Abraham Lincoln, when their Bishop, General Leonidas Polk, had ordered otherwise. Since they also refused to take the oath, Butler decided that they were "much more mischievous" in New Orleans than they would be even as soldiers in the Confederate army. He, therefore ordered them sent immediately to Fort Lafayette, in New York harbor, where they could at least make no trouble for the rest of the war.³⁴¹

³⁴⁰ "THE BATTLE OF ST. PAUL'S, Fought in New Orleans, Sunday, October 12, 1862, SUNG BY A LOUISIANA SOLDIER," quoted in Southwood, "Beauty and Booty," 111-114.

³⁴¹ Butler to Stanton, New Orleans, Oct. 25, 1862, *Butler Correspondence*, II, 407-408.

While thus suppressing every sign of rebel sympathy he could discover, Butler also took positive action to promote Union sentiment. Union associations were formed and Union meetings held. Flag-raisings were frequent; the Fourth of July was celebrated "with all possible eclat"; and, as a reminder of the feelings of the hero of Chalmette, "The Union must be preserved" was carved on the base of the Jackson monument.³⁴²

Though the field for raising a Union party was not very fertile, there were some, like Thomas J. Durant and J. Ad. Rozier, who had been Unionists all along and who coöperated with Butler from the beginning. And there were others who, without invincible loyalties, were ready to go in whatever direction the most favorable wind seemed to be blowing. Typical of this group, perhaps, was a baker whose conduct the *Delta* described as follows:

A baker, residing in the First District, had over his door a year or more ago a flaming sign, with the words, "United States Bakery," and shortly afterwards it was "Confederate States Bakery." A few days ago he chalked out the word "Confederate," and it now stands "States Bakery," leaving a blank for what might turn up.³⁴³

Such opportunism was, after all, quite natural under the circumstances. As Parton says, "For Union men there were offices, employments, privileges, favors, honors, everything which a government can bestow. For rebels there was mere protection against personal violence—mere toleration of their presence; and that only so long as they remained perfectly submissive and quiescent."³⁴⁴

Though the majority of the people clung to the Confederacy, by December 3 Butler and his assistants had been able to form a sufficiently large Union party to hold an election for Congress. As a prelude, on November 15 the New Orleans Union Association—which had been organized in June—³⁴⁵ held a large meeting in the St. Charles Theatre, presided over by Rozier in the presence of Butler and his officers, and followed by a torch-light procession through the streets.³⁴⁶ The election resulted, of course, in the choice of good Union men, Michael Hahn and Benjamin F. Flanders, to represent the two districts which had been created in New Orleans and southern Louisiana.

³⁴² Parton, *Butler in New Orleans*, 431-432.

³⁴³ *Delta*, May 4, 1862.

³⁴⁴ Parton, *Butler in New Orleans*, 596.

³⁴⁵ *Picayune*, June 7, 1862.

³⁴⁶ *Bee*, Nov. 17, 1862.

Thus, by organizing a minority machine, Butler succeeded in taking the first feeble step in the long process of Reconstruction. But, despite his iron hand and his energetic propaganda, New Orleans as a whole remained stubbornly Confederate.

CHAPTER VI

THE FOREIGNERS AND THEIR CONSULS

If the people of New Orleans had all been either rebels claiming allegiance to the Confederacy or Unionists willing to affirm their loyalty to the United States, General Butler would have had a far easier task. There were, however, in the city a large group of foreigners, who were neither rebels nor loyalists, but citizens of neutral states.³⁴⁷ Among them, of course, were some who had supported the Confederacy and were therefore not entitled to neutral treatment.³⁴⁸ But, whether honestly neutral or not, there was nothing to prevent any of them from claiming the protection of their own governments whenever they chose. And it was this constant appeal over his head that gave Butler so much trouble.

Where martial law was necessary, and quick, arbitrary action inevitable, the most cautious, tactful commander could hardly fail to furnish occasion for complaint. Even the most adroit diplomatist would have been unable to handle successfully all the delicate problems of neutrality which would arise.³⁴⁹ And certainly General Butler, who was neither cautious, tactful, nor diplomatic, did not do so. As Parton says, he was not a conciliator, who could "make things pleasant," but a man of plain speech and plain action, who had little time for the amenities.³⁵⁰ It is not surprising, then, that in his rule at New Orleans he should have collided with the foreigners and their consuls at almost every turn.

³⁴⁷ Foreigners composed in 1860 nearly a third of the population. (64,271 foreign-born whites out of a total population of 168,675, according to J. C. G. Kennedy, comp., *Population of the United States in 1860; Compiled from the Original Returns of the Eighth Census, Under the Direction of the Secretary of the Interior*, Washington, 1864, p. 615.) The Bee estimated that there were about 40,000 foreigners in the city at the beginning of the occupation. (Bee, May 3, 1862.)

³⁴⁸ It is impossible to determine exactly how many of these "foreign rebels," as Butler called them (*Butler's Book*, 426), there were in New Orleans. It is probable that the foreigners generally sympathized with the Confederacy, and it is certain that many of them gave it active support. But, regardless of sympathies, it would have been difficult for any one remaining in New Orleans after secession to have followed a strictly neutral course, or to have prevented his interests from becoming entangled with the Confederacy.

³⁴⁹ At the beginning of the occupation the Bee had called attention to the necessity for care in this situation. (Bee, May 3, 1862.)

³⁵⁰ Parton, *Butler in New Orleans*, 355.

One of the first of these collisions came over the question of oaths for foreigners. In order to separate sheep from goats as thoroughly as possible, Butler declared that all foreigners resident in the United States for five years, who had not "claimed and received a protection of their Government, duly signed and registered by the proper officer," more than sixty days prior to the order, would be considered as former citizens and therefore required to take the regular oath of allegiance, if they wished any protection except from personal violence. All other foreigners wishing such protection would have to take a special oath that, as long as their governments remained at peace with the United States, they would "do no act, or consent that any be done, or conceal any that has been or is about to be done" that would give aid or comfort to the enemies of the United States.³⁵¹

Against this order six consuls immediately made a joint protest in a long letter to Butler. They could not, they said, admit the distinction which was being made in dividing unnaturalized foreigners into two categories. The first were being placed on the same footing with native-born and naturalized citizens,—in the dilemma of either being deprived of their means of existence—that is, of all protection except from personal violence—or being forced to take an oath of allegiance. The second group were being in the same manner virtually forced to take an oath requiring them "to descend to the level of spies and denunciators for the benefit of the United States." Thus all foreigners were being compelled either to perform a virtual act of naturalization, or to violate the neutrality imposed upon them by their governments. This policy could not be tolerated. Conquered people might be subjected to exceptional laws, but neutral foreigners had a right to be treated as they always had been by the Government of the United States.³⁵²

In an immediate reply General Butler characterized the consuls' protest as "a labored argument in which the imagination" had apparently been "drawn on for the facts to support it." The division of foreigners into two classes he defended on the ground that, under the circumstances, it had been necessary to prescribe some clear-cut, general rule by which those who were entitled to treatment as neutrals might be distinguished from those who were not. As for the main question, that of the oaths, he declared:

³⁵¹ Gen. Orders No. 41, New Orleans, June 10, 1862, *Butler Correspondence*, I, 574-576.

³⁵² Immanuel Callejon, Spanish Consul, *et al.*, to Butler, New Orleans, June 16, 1862, *ibid.*, I, 597-600.

There is nothing compulsory about this order!

If a foreigner desires the privileges which the Military Government of this Dept., accords to American citizens, let him take the oath of Allegiance, but that does not naturalize him. If he does not wish to do so, but chooses to be an honest neutral, then let him not take the oath of Allegiance but the other oath, set forth in the Order.

If he chooses to do neither, but simply to remain here with protection from personal violence, a privilege he has not enjoyed in this city for many years until now, let him be quiet, live on, keep away from his consul, and be happy.

For honest alien neutrals another oath was provided, which in my judgment contains nothing but what an honest and honorable neutral will do and maintain, and of course only that which he will promise to do.

The notion that the second oath required any one to act as a spy for the United States had evidently arisen from a misconception of the word "conceal." "Conceal," he said, was an active verb, and "concealment" an act that was done, "not a thing suffered by the 'concealers.'" If, for instance, knowing that his neighbor was about to join the rebel army, he went about his usual business, he would not be "concealing" the fact. But, if, upon being asked by the proper authority where his neighbor was going, he should reply that he was going to sea, he would then be "concealing" his neighbor's acts and intentions.

As a general principle, General Butler told the foreigners that, if any one disliked the laws of the United States or the way they were being administered, he had "an immediate, effectual, and appropriate remedy in his own hands, alike pleasant to him and to us, and that is not to annoy his consul with complaints against those laws, or the administration of them, or his consul wearying the authorities [by] verbose protest, but simply to go home, 'Stay not on the order of his going, but go at once.'"

In conclusion he added that it was not part of the duties or rights of consuls as a body to send "argumentative protests" against his orders. Any consul having anything to offer for his consideration could "easily learn the proper mode of presenting it."³⁵³

Apparently not content with this rebuke, three days later Butler issued another order, which read as follows:

The Commanding General has received information that certain of the foreign residents of this Department, notwith-

³⁵³ Butler to Callejon, *et al.*, New Orleans, June 16, 1862, *ibid.*, I, 600-604.

standing the explanations of the oath prescribed in General Order No. 41 contained in his reply to the foreign Consuls, have still scruples about taking that oath.

Anxious to relieve the consciences of all who honestly entertain doubts upon this matter, and not to embarrass any, especially neutrals, but by his necessary military orders, the Commanding General hereby revises General Order No. 41, so far as to permit any foreign subject, at his election, to take and subscribe the following oath, instead of the oath at first set forth:

I, do solemnly swear that I will to the best of my ability, support, protect, and defend the Constitution of the United States. So help me God.

The General is sure that no foreign subject can object to this oath, as it is in the very words of the oath taken by every officer of the European Brigade, prescribed more than a year ago in "Les reglements de la Légion Française, formée à la Nouvelle Orleans, le 26 d'Avril, 1861," as will be seen by the extract below, and claimed as an act of the strictest neutrality by the officers taking it, and for more than a year has passed by all the foreign consuls—so far as he is informed—without protest.

"Serment que doivent prêter tous les officiers de la 'Légion Française.'"

State of Louisiana, Parish of Orleans

I, do solemnly swear that I will, to the best of my ability, discharge the duties of . . . the French Legion, and that I will support, protect, and defend the Constitution of the State and of the Confederate States. So help me God.

Sworn and subscribed to before me.³⁵⁴

Parton thought this order "the neatest hit of the kind on record."³⁵⁵

Neat as it was, this hit did not close the matter. Immediately after his exchange of letters with the consuls Butler sent copies of them to Secretary Stanton, with the recommendation that the exequaturs of all the consuls in New Orleans be withdrawn, on account of their unneutral conduct.³⁵⁶ The authorities in Washington, however, were by no means ready for such a move. On the

³⁵⁴ Gen. Orders No. 42, New Orleans, June 19, 1862, *ibid.*, I, 619-620.

³⁵⁵ Parton, *Butler in New Orleans*, 461.

³⁵⁶ Butler to Stanton, New Orleans, June 17, 1862, *Butler Correspondence*, I, 595-596.

other hand, having already received numerous protests against Butler's handling of the foreigners, they seemed much more worried about his conduct than about that of the consuls. Accordingly, it was not long before a reply came from Stanton, in which nothing was said about withdrawing exequaturs, but in which there was enclosed a communication from the State Department for General Butler's "information and guidance." "I notice," wrote Seward to the Secretary of War, "that Major General Butler is represented to have required certain oaths from foreigners at New Orleans. Though his general right, pursuant to martial law, to make any exactions which he may deem necessary for the peace and safety of the District under his command, cannot be questioned, the expediency of requiring oaths from those who do not owe a permanent allegiance to the Government is so doubtful that I am directed by the President to request you to order him to discontinue that practice for the future, and to cancel any such obligations which may thus have been compulsorily contracted. Foreigners owe temporary allegiance to the authorities wherever they may reside. From this nothing but a treaty stipulation can absolve them. In general, however, it is best to observe that they will observe this allegiance. If, however, they disregard it, the particular acts by which this disregard may be shown, are liable to punishment by the civil, or if this should be silent or inadequate, by martial law. It is preferable for the maintenance of harmonious relations with foreign powers that misconduct on the part of their citizens or subjects within our jurisdiction should not be anticipated, but that its actual development should be awaited."³⁵⁷

This letter seems to have put an end to the controversy over oaths for foreigners. But the consuls had no trouble in finding other things to protest about. Butler's mouthpiece, the *Delta*, thought them a very choleric crowd. "If General Butler rides up Canal street," it wrote, "the consuls are sure to come in a body, and 'protest' that he did not ride *down*. If he smokes a pipe in the morning, he is sure to have a deputation in the evening, asking why he did not smoke a cigar. If he drinks coffee, they will send some rude messenger with a note asking, in the name of some tottering dynasty, why he did not drink tea."³⁵⁸ It is true indeed that there was hardly an order issued

³⁵⁷ Stanton to Butler, Washington, June 29, 1862, enclosing Seward to Stanton, Washington, June 24, 1862, *ibid.*, II, 9-11; Gen. Orders No. 82, *O. R. A.*, Ser. III, v. 2, pp. 234-235.

³⁵⁸ Quoted in Parton, *Butler in New Orleans*, 453.

which did not bring protest from some quarter. When assessments were made for poor relief, the Prussian and French consuls protested in favor of some of their countrymen, who were said to have been unjustly levied against.³⁵⁹ When an order was given to confiscate all firearms, the French consul complained against the violation of private property rights.³⁶⁰ When quarantine regulations were set up, the Spanish consul charged favoritism in their administration.³⁶¹

But of all the many controversies probably the most sensational was one which resulted from Butler's seizure of \$800,000, which had been deposited with the Dutch consul, Amedie Conturié, shortly before the capture by Edmund J. Forstall, the New Orleans agent for Hope & Co., an Amsterdam banking firm. Forstall had received the money in February from the Citizens Bank of New Orleans as a special deposit to be sent to protect the bank's credit abroad. But in the excitement preceding the capture he had thought it safer to place it under the protection of the consul, in whose hands it had remained.³⁶²

Hearing soon after his arrival that there was a large sum of money hidden in the Dutch consulate, Butler immediately became suspicious and sent Captain Shipley with six or eight men to investigate. Conturié denied that he had any property which did not belong to himself or to the consulate, flatly refused to allow the place to be searched, and protested against this violation of his premises. Shipley then returned to headquarters, but soon reappeared, this time demanding the key to the vault. The scene which followed Conturié's refusal to hand it over is vividly described by Parton:

"Then I shall be obliged to force the door," said the captain.

"With regard to that, you will do as you please," said Conturié, who again protested against the violation of his office and flag.

As Captain Shipley had not the means of forcing the vault, he was again compelled to return to headquarters. As he turned to go, the consul said:

"Sir, am I to understand that my consular office is taken possession of, and myself arrested by you; and that, too, by order of Major-General Butler?"

³⁵⁹ Butler to Stanton, New Orleans, Oct. 12, 1862, *Butler Correspondence*, II, 361-368.

³⁶⁰ Butler to Count Méjan, New Orleans, Aug. 14, 1862, *ibid.*, II, 188-189.

³⁶¹ Butler to Stanton, New Orleans, Oct. 1, 1862, *ibid.*, II, 339-348.

³⁶² Forstall to Butler, May 11, 1862, *O. R. A.*, Ser. III, v. 2, pp. 116-117.

"Yes, sir," replied Captain Shipley.

General Butler, upon receiving the captain's report, sent him back to the consulate, accompanied by Lieutenant Kinsman, of his staff, an officer peculiarly well fitted for extracting a key from a contumacious consul—a gentleman perfectly capable of the *suaviter in modo*, but equally versed in the *fortiter in re*. To the consul, Lieutenant Kinsman politely said:

"Sir, I wish to look into your vault."

The consul replied: "It contains only my private effects and the property of the consulate."

Lieutenant Kinsman: "Sir, I wish to look into your vault. Give me the key."

Mr. Conturié: "I will not."

Lieutenant Kinsman to officers: "Search the office. Break open, if need be, the doors of the vault."

Mr. Conturié, rising: "I, Amedie Conturié, Consul of the Netherlands, protest against any occupation or search of my office; and this I do in the name of my government. The name of my consulate is over the door, and my flag floats over my head. If I cede, it is to force alone."

The search began. Conturié then said, it would be of no use to search the office, for the key of the vault was upon his own person.

Lieutenant Kinsman to officers: "Search this man."

Captain Shipley and Lieutenant Whitcomb, approached "this man" to obey the order.

Lieutenant Kinsman: "Search the fellow thoroughly. Strip him. Take off his coat, his stockings. Search even the soles of his shoes."

M. Conturié: "You call me fellow! That word is never applied to a gentleman, far less to a foreign consul, acting in his consular capacity, as I am now. I ask you to remember that you used that word."

Lieutenant Kinsman: "Certainly, fellow is the name applied to you. I don't care if you are the consul of Jerusalem; I am going to look into your vault."³⁶³

Finding the key in the consul's pocket, the men opened the vault, where they found not only the \$800,000, in Mexican silver, but also dies and engraving plates belonging to the Citizens Bank and some plates used for printing Confederate treasury notes. Upon this discovery Butler was convinced that there had been dirty work somewhere. Reporting to Stanton a few days later,

³⁶³ Parton, *Butler in New Orleans*, 365-367.

he said: "This money was immediately claimed by Hope & Co., of Amsterdam. . . . But the whole transaction seems to be tinctured with bad faith, as the steel dies and plates of the Bank were found in a box amongst this very specie, which is said to have been paid to Hope & Co. before it was due, while the bank was refusing to redeem their bills at home in coin." Consequently, he was holding the specie subject to orders from the Department.³⁶⁴

It was not to be expected, however, that the War Department would be allowed to handle the matter alone. In this, as in all other cases involving foreigners, the State Department was to play the leading role. And, in reply to a protest which soon came from van Limburg, the Dutch Minister, Seward wrote that the military agents in New Orleans had "assumed functions which belong exclusively to the Department of State;" and that "their conduct was a violation of the law of nations, and of the comity due from this country to a friendly Sovereign State." Regretting the incident, the Government was sending a Commissioner to New Orleans immediately to investigate the title to the seized property, "with a view to a disposition of the same according to international law and justice."³⁶⁵

Copies of the correspondence between Seward and van Limburg were soon sent to Butler by Stanton. In the accompanying letter Stanton said that Reverdy Johnson had been appointed to investigate and report on the various complaints which had been made by the consuls. While pointing out the "necessity of preserving harmonious relations with all foreign governments." Stanton assured Butler that the Department felt the "deepest interest in the safety and success" of his command, and that "all the power of the Government" would be exerted for his aid and his support. In closing he himself expressed "admiration" for Butler's achievements and "the utmost confidence" in his success.³⁶⁶

Despite Stanton's personal assurances, General Butler must have been convinced that there were others in Washington who did not have unqualified admiration for all his achievements. It was embarrassing to have an investigator sent so soon after his arrival. And he was intensely annoyed that Reverdy Johnson,

³⁶⁴ Butler to Stanton, New Orleans, May 16, 1862, *Butler Correspondence*, I, 490.

³⁶⁵ Seward to van Limburg, Washington, June 5, 1862, *U. S. Papers Relating to Foreign Affairs*, 1862, Part II, p. 626.

³⁶⁶ Stanton to Butler, Washington, June 10, 1862, *Butler Correspondence*, I, 577-578.

with whom he was already on bad terms, should have been chosen to make the inquiry.³⁶⁷ But, in any event, there was nothing he could do about it then.

Johnson came to New Orleans and after an investigation decided that the property had been unjustly seized and should be returned. Thus Butler's most spectacular fight with the foreigners ended in defeat. But his embarrassment was by no means over, for in other important cases where property was seized on suspicion he also lost the decision.³⁶⁸ In making his report to Seward, however, Johnson at least gave the General credit for good intentions, saying that his conduct was "to be referred to the patriotic zeal which governs him, to the circumstances encircling his command at the time, so well calculated to awaken suspicion, and to an ardent desire to punish to the extent of his supposed power all who had contributed, or were contributing, to the aid of a rebellion the most unjustifiable and wicked that insane or bad men were ever engaged in."³⁶⁹

Neither Parton nor Butler found consolation in this rather feeble praise. They both felt that the decisions had been unfair. In the first place, they claimed that Johnson himself was at heart in sympathy with the South. Butler flatly said that he was a "rank and bitter secessionist," while Parton more moderately declared that he may have been honestly opposed to secession, but that he was certainly "in accord with his southern friends" in other particulars. For this reason, therefore, Parton thought "it was not in human nature that he should judge justly between General Butler and the rebels of New Orleans."³⁷⁰ Johnson was, moreover, according to Butler and his friend, deliberately sent "to comply with the demands of the foreign powers, if it could be done without concessions too palpably humiliating."³⁷¹

Despite this insistence on the unfairness of the decisions, Parton implicitly acknowledges that they may have been legally justified. "Here," he says, "is the point: every one knows the difference that *may* exist between a law case as presented in the law papers, and the known facts of the case. A merchant, for example,

³⁶⁷ Johnson, a prominent Baltimore lawyer, had in the winter of 1861 secured the release of Ross Winans, a Maryland secessionist, whom Butler had had arrested. (*Butler's Book*, 227-234.)

³⁶⁸ See Report of Johnson to Seward, *U. S. Senate Executive Documents*, 37 Cong., 3 Sess., No. 16.

³⁶⁹ *Ibid.*, p. 8.

³⁷⁰ *Butler's Book*, 234; Parton, *Butler in New Orleans*, 356.

³⁷¹ The quoted phrases are Parton's (*Butler in New Orleans*, 356). Butler, as usual, makes a stronger statement, saying that Johnson was "instructed" by Seward to decide in favor of the foreigners. (*Butler's Book*, 522.) No evidence has been found to confirm this assertion.

finds it convenient to 'make over' his property to a friend. The *papers* show that he has not a dollar in the world, while the *fact* is, that he possesses a quarter of a million. Every one in the court may know the fact; yet the *papers* carry the day. A bank may find it advantageous to seem to possess no coin. Any lawyer can suggest a mode by which this can be done, and a judge in ordinary times might be obliged to decide in accordance with the documents. What General Butler would have liked was a commissioner who would have sought out the hidden fact, not one who was content with the paper case."³⁷²

It would, of course, have been much easier for General Butler if he could have had such a commissioner. But, under the circumstances, where explanations had to be made to foreign countries, it was only upon proven facts that action could be allowed by Washington; and it was therefore inevitable that Johnson's decisions should have been accepted. In the summer of 1862, there was still a good chance that the Confederacy might be recognized abroad, and it was no time to offend European governments unnecessarily. The crux of the matter, then, was this: General Butler was in the field dealing only with the problems of his own department. His task, as he saw it, was at all costs to make a Union city out of New Orleans. And he was not inclined to bother about the rascally foreigners, who, as he told them, could go home if they disliked what he was doing. The government in Washington, on the other hand, trying to keep its peace with Europe, could not afford to take such an independent stand. Seward could not deal with ministers as Butler dealt with consuls. Parton himself put his finger on the real difficulty when he wrote: "Mr. Seward, as the head of the foreign department, felt that all his duties were subordinate to the one cardinal, central object of his policy, the maintenance of peace with foreign nations while the rebellion showed front. General Butler, always breasting the foremost wave of the rebellion, could not be very sensitive to the gentle murmurs of Mr. Seward's reception room."³⁷³

³⁷² Parton, *Butler in New Orleans*, 356-357.

³⁷³ *Ibid.*, 355-356. Although vigorously defending Butler at every turn, Parton does admit (p. 357) in regard to Seward's policy: "Far be it from me to presume to say that he was wrong. 'One at a time' is a good rule, when a nation has a war on its hands. His course may have been justified by necessity."

CHAPTER VII

THE NEGRO PROBLEM

"The question now pressing me," wrote Butler soon after he arrived, "is the state of negro property here and the condition of the negroes as men. It has a gravity as regards both white and black appalling as the mind follows out the logical necessities of different lines of action. Ethnological in its proportions and demands for investigation, it requires active administrative operations immediately upon the individual in his daily life, his social, political, and religious status as a human being, while some of the larger deductions of political economy are to be at once worked out by any given course of conduct. It cannot be solved, therefore, without thought, or discussed by a phrase or a paragraph."³⁷⁴

General Butler was now face to face with a question which had vexed the nation for decades, and which in May, 1862, was still far from being answered. Indeed, at that time the Washington government had been unable to arrive even at a paper solution. Lincoln himself, according to Parton, had told Butler before he left that, though he hoped some decision would soon be reached, he was still not ready to announce a definite policy. In the meanwhile, therefore, the General "must 'get along' with the negro question the best way he could; endeavor to avoid raising insoluble problems and sharply defined issues; and try to manage so that neither abolitionists nor 'conservatives' would find in his acts occasions for clamor."³⁷⁵ Here Lincoln was simply putting the problem up to Butler as it faced him. The instructions were in accord with the evasive policy which he himself was being forced to pursue.

But talking in Washington was easier than acting in New Orleans. To "get along" was harder than it sounded. When Butler arrived, there were already in the city many slaves who had been left by their masters to shift for themselves. And soon others began to flock in from the countryside, which had been almost as panic-stricken as the city itself. Wherever there was a Union post they came, to the St. Charles, to the Customhouse, to Forts Jackson and St. Philip, to Algiers across the river, and to

³⁷⁴ Butler to Stanton, New Orleans, May 25, 1862, *Butler Correspondence*, I, 516.

³⁷⁵ Parton, *Butler in New Orleans*, 491-492. There is no confirmation of these instructions, but it is clear that, as Parton gives them, they are in accord with the policy that was being followed in Washington at the time.

Camp Parapet a few miles above. Bewildered and excited by the strange events, they came to greet the Yankees as saviors, to offer their services, to beg for food, and to satisfy their curiosity. Even more than the whites, they must have wondered what would happen to them in all the confusion.

What to do with these pathetic creatures was a perplexing question for Butler. Even if an act of Congress had not stood in the way, it would have been impossible to return them all to their owners.³⁷⁶ On the other hand, it seemed impossible to care for them in the city and camps, especially if they continued to come. "Now, what am I to do?" Butler asked Stanton soon after he arrived.³⁷⁷ But the government was not ready to answer, and it was more than a month before the Secretary of War replied that it had not yet been "deemed necessary or wise to fetter" his judgment with "specific instructions."³⁷⁸

Even if Washington had been ready to give instructions, Butler would not have been able to wait for them to arrive. Something had to be done immediately. Accordingly, he found employment for as many slaves as possible, assigning some as servants to the officers, some to the hospitals, and some to work on the levees.³⁷⁹ And, despite the act of Congress, he returned some to their owners.³⁸⁰ For the purpose of preserving order, he allowed some of the city police regulations to be enforced as usual.³⁸¹ To curb the influx, he soon issued orders excluding all unemployed persons, black or white, from the Customhouse and from the camps, and forbidding them to enter the Union lines at all without passes.³⁸²

More disturbing, however, than the situation in the city were conditions at Camp Parapet, under the command of

³⁷⁶ An act of Congress, March 13, 1862, had prohibited army and navy officers from employing any of their forces "for the purpose of returning fugitives from service or labor who may have escaped from any persons to whom such service or labor is claimed to be due."

³⁷⁷ Butler to Stanton, New Orleans, May 25, 1862, *Butler Correspondence*, I, 518.

³⁷⁸ Stanton to Butler, Washington, June 29, 1862, *ibid.*, II, 10.

³⁷⁹ Butler to Stanton, New Orleans, May 25, 1862, *ibid.*, I, 518; Parton, *Butler in New Orleans*, 493; Butler Order to Capt. Page, Camp Parapet, May 27, 1862, *Butler Correspondence*, I, 522.

³⁸⁰ Though neither Parton nor Butler mentions this action, it is clear that in some cases slaves were returned to their owners. The *Picayune* reported on May 29 that "quite a number of slaves, who were in the Customhouse," had been returned to their owners; and that six had been sent in irons across the lake. Denison says that Butler sometimes returned slaves to their owners (Denison to Chase, New Orleans, March 31, 1863, *Annual Report of the American Historical Association for the Year 1902*, II, 377). And a Unionist from Jefferson Parish refers to slaves being returned to their owners from Fort Jackson (W. Mitthoff to Butler, Parish of Jefferson, May 29, 1862, *Butler Correspondence*, I, 526).

³⁸¹ The *Bee*, on June 3, announcing that the fire alarm bell would be rung at nine p. m. said: "'Good niggers' will therefore be at home, where they belong, at the appointed hour."

³⁸² Special Orders No. 44, New Orleans, May 26, 1862, *O. R. A.*, Ser. I, v. 15, p. 444; Special Orders No. 45, New Orleans, May 27, 1862, *ibid.*, 446; Butler to Phelps, New Orleans, May 23, 1862, *Butler Correspondence*, I, 514.

Brigadier-General John W. Phelps. An ardent abolitionist, Phelps could not reconcile Butler's policy with his own strong principles. Consequently, instead of discouraging slaves from coming in, he at first welcomed them to his camp; and, according to a report from an officer in the neighborhood, he even allowed his men "to range the country, insult the planters, and entice negroes away from their plantations." "If on any of the plantations here," continued the report, "a negro is punished when he most deserves it, the fact becoming known at General Phelps' camp, a party of soldiers are sent immediately to liberate them and with orders to bring them to camp. A negro convicted of barn-burning, and afterward riotous conduct on the plantation of Mrs. Butler Kenner . . . was confined in the stocks, that he might at the first opportunity be sent to the city for trial, was [released] by a company of soldiers sent by General Phelps, and afterward taken to the camp. Yesterday an out-building on Mrs. Fendeair's plantation was broken open by these soldiers, and 3 negroes, confined there overnight, taken out and carried to the camp, notwithstanding the presence of the owners, who protested against the act as one contrary to all orders. The soldiers also broke into the house and stole therefrom silver spoons, dresses, and other articles." Such acts, complained the officer, were having a very demoralizing effect and making it "utterly impossible to call upon the negroes for any labor, as they say they have only to go to the fort to be free. . . ." ³⁸³

As soon as he received this report, Butler had a copy sent to Phelps, with a stern reminder not to allow his men to interfere without right in the domestic affairs of the people around him.³⁸⁴ After that Phelps seems to have reluctantly complied with Butler's orders. But the difficulties were not over. The Negroes might, it is true, now be kept out of the lines. But, even if Phelps had wished to, it would have been impossible, without brutality, to prevent them from congregating around the picket stations. The problem that was presented when they did this was soon described to Phelps in a report from one of his officers:

I beg leave to call your attention to the large and constantly increasing number of blacks who have congregated near the upper picket station on the river road. I learn

³⁸³ Capt. Edward Page, Jr., to Butler, Kenner, La., May 27, 1862, *O. R. A.*, Ser. I, v. 15, p. 446.

³⁸⁴ Capt. P. Haggerty to Phelps, New Orleans, May 28, 1862, *ibid.*, 446-447.

that twenty-four hours ago they numbered about 75. The officer of the guard reports to me this morning that the number has increased to 150 or more. The first instalment was sent by a man named Lablanche, from the other side of the river . . . , he giving them the choice, according to their statement, of leaving before sundown or receiving fifty lashes each. Many of these desire to return to their master, but are prevented by fear of harsh treatment. They are of all ages and physical condition, a number of infants in arms, many young children, robust men and women, and a large number of lame, old and infirm of both sexes. The rest of them came in singly and in small parties from various points up the river within a hundred miles. They brought with them boxes, bedding, and luggage of all sorts, which lie strewn upon the levee and the open spaces around the picket. The women and children, and some feeble ones who needed shelter, were permitted to occupy a deserted house just outside the lines. They are quite destitute of provisions, many having eaten nothing for days except what our soldiers have given them from their own rations. In accordance with orders already issued the guard was instructed to permit none of them to enter the lines. As each officer of the day will be called upon successively to deal with the matter, I take the liberty to suggest whether some further regulation in reference to these unfortunate persons is not necessary to enable him to do his duty intelligently, as well as for the very apparent additional reasons that the congregation of such large numbers in our immediate vicinity affords inviting opportunities for mischief to ourselves, and also that unless supplied with the means of sustaining life by the benevolence of the military authorities or of the citizens (which is scarcely supposable) they must shortly be reduced to suffering and starvation in the very sight of the overflowing store-houses of the Government.³⁸⁵

This report resulted in the beginning of a long controversy between Butler and Phelps. Dissatisfied with the policy that was being laid out for him, Phelps now determined either to see it changed or to resign his command. He therefore immediately wrote a long letter to the Assistant Adjutant General in New Orleans, in which he fearlessly stated his views, and asked that it be laid before the President—at whose disposal he would leave his commission. This letter was in Parton's opinion “one of the most pathetic, eloquent, and convincing pieces of composition” which the war produced.³⁸⁶ At any rate, there was no doubt

³⁸⁵ Major Frank H. Peck to Phelps, Camp Parapet, June 15, 1862, *ibid.*, 491.

³⁸⁶ Parton, *Butler in New Orleans*, 498.

about Phelps' ideas. He dwelt at length on the plight of the Negroes and denounced slavery in a manner that was worthy of Garrison himself. The public good clearly required abolition. The President, therefore, should use his military powers to proclaim it, and leave to Congress measures for meeting the consequences. It would then, he thought, be easy, "through a well-regulated system of apprenticeship," to effect a gradual transition from slavery to freedom. As an immediate step, many of the Negroes could be mustered into the army, to preserve order and to prepare them for freedom.

In conclusion, Phelps wrote positively and impatiently: "It is evident that some plan, some policy, or some system is necessary on the part of the Government, without which the agent can do nothing, and all his efforts are rendered useless and of no effect. This is no new condition in which I find myself; it is my experience during the some twenty-five years of my public life as a military officer of the Government. The new article of war recently adopted by Congress rendering it criminal in an officer of the Army to return fugitives from injustice is the first support that I have ever felt from the Government in contending against those slave influences which are opposed to its character and to its interests. But the mere refusal to return fugitives does not now meet the case. A public agent in the present emergency must be invested with wider and more positive powers than this, or his services will prove as valueless to the country as they are unsatisfactory to himself."³⁸⁷

In sending this letter on to Washington, Butler wrote Stanton that, in dealing with the Negro question, he himself was simply pursuing what he understood to be the policy of the Government. If his understanding of that policy were correct, then the services of General Phelps in the Department were "worse than useless." On the other hand, he said, "If the views set forth in his report are to obtain, then he is invaluable, for his whole soul is in it, and he is a good soldier of large experience, and no braver man lives." In concluding, he left the whole question to the President, whose wishes he would loyally follow, since he himself had no right to have any on the subject.³⁸⁸

³⁸⁷ Phelps to Capt. R. S. Davis, Acting Asst. Adj.-Gen., Camp Parapet, June 16, 1862, *O. R. A.*, Ser. I, v. 15, pp. 486-490.

³⁸⁸ Butler to Stanton, New Orleans, June 18, 1862, *Butler Correspondence*, I, 614-615.

After these letters were sent, Butler and Phelps waited for word from Washington. But the authorities there were still trying to stay on the fence. Consequently, they simply urged Butler to be tactful and discreet; and told him not to send slaves back to their owners, nor to allow them to suffer, but to feed and find work for them.³⁸⁹ As for Phelps, they made no reply at all to his communication.

For six weeks Phelps waited. But still no answer came from Washington. In the meantime the Negroes kept coming in, and the problem became increasingly difficult. Finally, at the end of July, he decided to wait no longer. Accordingly, without notifying anybody, he proceeded to organize companies of Negro troops, in accordance with the proposal he had made to the President; and on July 30 he sent to headquarters in New Orleans a formal requisition for equipment for his new soldiers.³⁹⁰

This move led to an open breach between the two officers. Instead of granting the requisition Butler ordered Phelps to set the Negroes to work, chopping trees; axes, instead of guns, would be given them. For, he pointed out, only the President had the power to arm slaves. Determined now to have the showdown for which he had asked in the beginning, Phelps replied flatly that, though he was willing to train Negro soldiers, he would not become a slave driver for anybody. Under the circumstances, therefore, he was compelled to submit his resignation, and to ask for a leave of absence until it could be accepted in Washington. Butler now used every means possible to persuade Phelps to coöperate. He refused to grant the leave, and commanded him to obey his orders. He pleaded, he argued, and he ordered. But Phelps was adamant, and the *impasse* was complete. He had evidently meant every word he had said before, when he offered his commission to the President. And now finally he was to be believed; for in a few weeks his resignation was accepted. The authorities had hoped to keep him; he was an able soldier. But—although it was not long before they did—they were not yet ready to adopt his views. Like many ardent reformers, Phelps had been too impatient.³⁹¹

³⁸⁹ Letters of Stanton to Butler, Washington, June 29 and July 3, 1862, *ibid.*, II, 10, 41.
³⁹⁰ Phelps to Capt. R. S. Davis, Camp Parapet, July 30, 1862, *O. R. A.*, Ser. I, v. 15, pp. 534-535.

³⁹¹ The correspondence between Butler and Phelps here summarized is contained in the *Butler Correspondence*, v. II, and in the *O. R. A.*, Ser. I, v. 15. The letters are, however, more conveniently read in Parton, *Butler in New Orleans*, Chap. XXVIII, where most of them are printed, with good running comment. Parton, of course, defends Butler's position, but is sympathetic with Phelps, and regrets that he did not understand the "painful necessities" of Butler's position and try to "get along" (p. 516).

Though standing firm against the extreme policy advocated by Phelps, Butler himself took many steps in New Orleans, which must have pleased the most earnest Negrophile. Perhaps the most spectacular of these actions was the organization of regiments among the free Negroes. It is true that here he was only following a precedent that had been set by the rebels themselves; for the nucleus of these troops were the free blacks, who, as the "Native Guards," had formed a part of the state militia in New Orleans before the capture. And to this precedent he called careful attention.³⁹²

Butler, however, did more than enlist free Negroes. As soon as he arrived he began to use the slaves as spies against their masters.³⁹³ He allowed them to testify against white men in his courts. He let them ride in all the street cars, instead of only in the jin-crows.³⁹⁴ And, after the preliminary emancipation proclamation had been issued in September, he caused large numbers of slaves to be employed, under government supervision, on plantations which had by this time been confiscated.³⁹⁵

It was inevitable that the Negroes should, as the *Picayune* put it, become "demoralized" by the changes that were taking place.³⁹⁶ Indeed, the difficulties of Reconstruction days were being clearly foreshadowed in New Orleans in the summer of 1862. Despite Butler's orders, they continued all summer to come in from the plantations. And by fall, according to Parton, there were in the city alone ten thousand fugitives, men, women, and children, who had to be cared for and controlled by the government.³⁹⁷

To maintain order among these people was a difficult problem. The newspapers abound in accounts of Negro "outrages," of their coming in from the plantations, armed with clubs, cane-knives, razors, and shot-guns,—and of their frequent clashes with the police.³⁹⁸ "Recent events," wrote the *Picayune* in July, "have made the negroes in this city and neighborhood almost unmanageable. They have become impudent, disobedient and reckless."³⁹⁹

³⁹² See Gen. Orders No. 63, New Orleans, Aug. 22, 1862, *O. R. A.*, Ser. III, v. 2, pp. 436-438. Denison says that in recruiting, nobody asked the recruit whether he was, or had been, a slave; and that thus many fugitive slaves were admitted to the "free" regiment (Denison to Chase, New Orleans, Sept. 9, 1862, *Amer. Hist. Assoc. Report for 1902*, II, 313).

³⁹³ Butler says that as soon as he arrived the Negroes came to report to him what had been done in the city. (*Butler's Book*, 505.)

³⁹⁴ Parton, *Butler in New Orleans*, 494.

³⁹⁵ See Gen. Orders No. 91, New Orleans, Nov. 9, 1862, *O. R. A.*, Ser. I, v. 15, pp. 592-595.

³⁹⁶ *Picayune*, July 4, 1862.

³⁹⁷ Parton, *Butler in New Orleans*, 521-522.

³⁹⁸ *Bee*, July 2, Aug. 5, 1862; *Picayune*, July 22, Aug. 14, 1862.

³⁹⁹ *Picayune*, July 22, 1862.

The *Bee* referred to "the audacity which the present state of affairs has infused into a certain class of negroes."⁴⁰⁰ And in October the *Picayune* again: "Freed, in a great measure, from the restraints which have heretofore held them in check, our servile population have certainly become far less reliable and law-abiding than they used to be, and complaints concerning them are now quite common."⁴⁰¹ Though clearly indicating their disgust with the effects of Yankee rule on the Negroes, the newspapers were probably afraid even to mention the fear of insurrection that pervaded the community. As before the capture they had often thought it unwise to frighten the people with facts, so now they must have thought it dangerous to dwell on the thoughts that were in the minds of all.

That General Butler himself shared the fears of the people he twice indicated in letters to his wife.⁴⁰² And it was perhaps for that reason that he so vigorously opposed the policy advocated by Phelps. In any case, though he could not have pleased the people of New Orleans, he handled the Negro problem cautiously and at least as satisfactorily as the Washington government itself. In general he maintained order; and he provided as well as he could for a group, who were the innocent victims of the policy of their masters, North and South.

CHAPTER VIII

THE DEPARTURE OF GENERAL BUTLER

The planter's wife who wrote to Butler soon after he arrived may have believed, as she said, that her "gallant Beauregard" would soon come to deliver New Orleans from his rule. But she certainly never dreamed that, before the year was out, the "tyrannical Buffoon at Washington" would himself strip his "inflated myrmidon" of authority.⁴⁰³ Indeed, to the very day of his successor's arrival, there is no reason to suppose that the people of New Orleans believed the General would be recalled. For some time, to be sure, there had been rumors of his departure;

⁴⁰⁰ *Bee*, July 2, 1862.

⁴⁰¹ *Picayune*, Oct. 22, 1862.

⁴⁰² Letters of Butler to Mrs. Butler, July 25 and Aug. 12, 1862, *Butler Correspondence*, II, 109, 186.

⁴⁰³ Letter to Butler from the "Wife of a Southern Planter," May 7, 1862, *Butler Correspondence*, I, 448. It is impossible to say positively why General Butler was recalled. He himself says that his superiors never explained to him. He was convinced and probably rightly, that Seward, who had been extremely annoyed by the consular difficulties, was mainly responsible. In view of the fact that Butler was a Democrat, and Banks a Republican, it may also have been thought wise to have a Republican in command, as Reconstruction in Louisiana was beginning.

and Butler says that the local "secessionists" had been betting ten to one that he would go.⁴⁰⁴ But it is likely that the odds were based on hope rather than on conviction. For, after all, since the beginning of the war, there had been many rumors of events which had never come to pass.

Here, however, was one rumor that materialized. For on Sunday evening, December 14, General Nathaniel P. Banks arrived to assume command of the Department of the Gulf. To Butler he brought no word of explanation, only a cryptic order from Washington; and, though Butler says he had heard some time before that he was to be relieved,⁴⁰⁵ he must have been none the less chagrined to receive his first official notice from the hands of his successor. Reflecting perhaps her husband's feelings, Mrs. Butler sadly informed her sister of the event: "All is over for the present. The Department of the Gulf has passed into other hands. . . . I shall soon see the children; that is a comfort amid the trouble."⁴⁰⁶

Despite his injured pride, Butler received Banks courteously and the next day informed his troops of his impending departure. In this, his final order, he did not conceal his feelings:

I greet you, [he said] my brave comrades, and say farewell!

This word, endeared as you are by a community of privations, hardships, dangers, victories, successes, military and civil, is the only sorrowful thought I have.

You have deserved well of your country. Without a murmur you sustained an encampment on a sand-bar, so desolate that banishment to it, with every care and comfort possible, has been the most dreaded punishment inflicted upon your bitterest and most insulting enemies.

You had so little transportation that but a handful could advance to compel submission by the Queen City of the Rebellion, whilst others waded breast-deep in the marshes which surround St. Philip, and forced the surrender of a fort, deemed impregnable to land attack by the most skilful engineers of your country and her enemy.

At your occupation, order, law, quiet and peace sprang to this city, filled with the bravos of all nations, where for a score of years, during the profoundest peace, human life was scarcely safe at noonday.

By your discipline you illustrated the best traits of the American soldier, and enchainèd the admiration of those that come to scoff.

⁴⁰⁴ *Butler's Book*, 529.

⁴⁰⁵ *Ibid.*, 529-531.

⁴⁰⁶ Mrs. Butler to Mrs. Harriet H. Heard, New Orleans, Dec. 17, 1862, *Butler Correspondence*, II, 547.

Landing with a military chest containing but seventy-five dollars, from the hoards of a rebel government you have given to your country's treasury nearly a half million of dollars, and so supplied yourselves with the needs of your service that your expedition has cost your Government less by four-fifths than any other.

You have fed the starving poor, the wives and children of your enemies, so converting enemies into friends that they have sent representatives to your Congress by a vote greater than your entire numbers, from districts in which, when you entered, you were tauntingly told that there was "no one to raise your flag."

By your practical philanthropy you have won the confidence of the "oppressed race" and the slave. Hailing you as deliverers, they are ready to aid you as willing servants, faithful laborers, or, using the tactics taught them by your enemies, to fight with you in the field.

By steady attention to the laws of health, you have stayed the pestilence, and, humble instruments in the hands of God, you have demonstrated the necessity that His creatures should obey His laws, and, reaping His blessing in the most unhealthy climate, you have preserved your ranks fuller than those of any other Battalions of the same length of service.

You have met double numbers of the enemy, and defeated him in the open field; but I need no further enlarge upon this topic. You were sent here to do that.

I commend you to your Commander. You are worthy of his love.

Farewell, my comrades! again farewell!⁴⁰⁷

Having thus justified himself by praising his troops, Butler formally relinquished his command to General Banks, and prepared to leave. Ten days were required to wind up the business of the Department, after which, on Christmas Eve, he sailed with Mrs. Butler for New York. Hurried as he was in these last days "with a thousand cares and anxieties,"⁴⁰⁸ he did not let slip the opportunity of making a final statement to the people of New Orleans. In this farewell address, issued the day he left, the General demonstrated once again the rhetoric which was always at his command:

It may not be inappropriate, as it is not inopportune in occasion, that there should be addressed to you a few words at parting, by one whose name is to be hereafter indissolubly connected with your city.

⁴⁰⁷ Gen. Orders No. 106, New Orleans, Dec. 15, 1862, *ibid.*, II, 545-546.

⁴⁰⁸ *Butler's Book*, 538

I shall speak in no bitterness, because I am not conscious of a single personal animosity. Commanding the Army of the Gulf, I found you captured, but not surrendered; conquered, but not orderly; relieved from the presence of an army, but incapable of taking care of yourselves. I restored order, punished crime, opened commerce, brought provisions to your starving people, reformed your currency, and gave you quiet protection, such as you had not enjoyed for years.

In return for these services, his soldiers had, he said, been "subjected to obloquy, reproach, and insult." Yet, as the people well knew, they had never interfered with any one who had gone quietly about his business, without aiding the enemies of the country. As far as his treatment of women was concerned, he had "by a simple order (No. 28) . . . called upon every soldier of this army to treat the women of New Orleans as gentlemen should deal with the sex, with such effect that I now call upon the just-minded ladies of New Orleans to say whether they have ever enjoyed so complete protection and calm quiet for themselves and their families as since the advent of the United States troops."

While thus protecting those who deserved it, he admitted that he had treated the rest with "merited severity." "I hold," he said, "that rebellion is treason, and that treason, persisted in, is death, and any punishment short of that due a traitor gives so much clear gain to him from the clemency of the government." Upon that thesis he had based his action, and because of it he was not "unconscious of complaint." Yet he did not feel that he had erred. "To be sure," he declared—and here he lashed his English critics—"I might have regaled you with the amenities of British civilization, and yet been within the supposed rules of civilized warfare. You might have been smoked to death in caverns, as were the Covenanters of Scotland by the command of a general of the royal house of England; or roasted, like the inhabitants of Algiers during the French campaign; your wives and daughters might have been given over to the ravisher, as were the unfortunate dames of Spain in the Peninsular War; or you might have been scalped and tomahawked, as our mothers were at Wyoming by the savage allies of Great Britain in our own Revolution; your property could have been turned over to indiscriminate 'loot,' like the palace of the Emperor of China; works of art which adorned your buildings might have been sent away, like paintings of the Vatican; your sons might have been blown from the mouths of cannon, like the Sepoys at Delhi; and yet all this would have

been within the rules of civilized warfare as practised by the most polished and the most hypocritical nations of Europe."

Having reached the climax of his address, Butler reiterated the favors he had bestowed upon the people of New Orleans, and concluded with an appeal to them to give up slavery and return wholeheartedly to the Union. For it was only there that they would attain the great prosperity which nature had designed for them.⁴⁰⁹

Accustomed as they were to the General's ideas and manner of speaking, the people of New Orleans could not have been surprised or especially impressed by this last utterance. And it is doubtful if many thought it now worthy of notice. But, before the address was issued and probably even while it was being composed, a woman who called herself "One of your SHE ADDERS" felt impelled to pay her last respects. Writing on December 22, she said she had been prevented from calling in person only by her self-respect and by a fear of being contaminated by the "polluted air" which surrounded him. "Ever since you came among us," she said, "we have felt for you *hatred* so violent that no words can express it. We have always regarded you as a monster in whose composition the lowest of traits were concentrated; and 'Butler the brute' will be handed down to posterity as a by-word, by which all true Southerners will 'remember thee monster, thou vilest of scum.' When you came here, it was in your power to make friends instead of enemies, by marking your course with gentlemanly conduct, but that was foreign to your nature, and instead of treating the citizens of New Orleans with that respect and consideration which a civilized and refined people were entitled to, you heaped every indignity upon us that your brutal nature was capable of conceiving. . . . You may possibly reach Yankeedom in safety—but remember, vile old coward, that the day will come when you will be hunted down like a fox in your den, and retribution will surely fall upon you. There are noble, dauntless hearts in our Confederate army who will surely avenge the insults which you have heaped upon us."⁴¹⁰

More ingenious, but no less spirited, than this rather crude letter was a poem which the occasion inspired, entitled "The Ladies' Farewell to Brutal Ferocity Butler":

⁴⁰⁹ *Butler Correspondence*, II, 554-557.

⁴¹⁰ Letter from a "She Adder" to Butler, New Orleans, Dec. 22, 1862, *ibid.*, II, 549.

We fill this cup to one made up
Of beastliness alone,
The caitiff of his dastard crew,
The seeming paragon,
Who had a coward heart bestowed
And brutal instincts given
In fiendish mirth, then spawned on earth
To shame the God of Heaven;
His every tone is murder's own
Like those unhallowed birds
Who feed on corpses, and the lie
Dwells ever in his words.
His very face a living curse
To mankind's lofty state,
Marked with the stain of branded Cain,
None knew him but to hate.
Fair woman's fame he makes his game,
On children wreaks his spite,
A tyrant mid his bayonets,
He never dared to fight.
Think you a mother's holy smile
Ere beamed for him? Ah, no.
The jackal nursed the whelp accursed,
Humanity's worst foe.
On every hand, in every land
The scoundrel is despised,
In Butler's name the foulest wrongs
And crimes are all comprised.
'Twill live the sign of infamy
Unto time's utmost verge,
Ages unborn will tell in scorn
Of him, as mankind's scourge.
We fill this cup to one made up
Of beastliness alone;
The vampire of his Yankee crew,
The lauded paragon.
Farewell and if in h——l there dwell
A demon such as thou
Then Satan yield thy scepter up—
Thy mission's over now.⁴¹¹

⁴¹¹ Quoted in *Journal of Julia LeGrand*, 54-55. This poem is a parody of one by Edward Coote Pinkney, entitled *A Health*, the first stanza of which is as follows:

I fill this cup to one made up of loveliness alone,
A woman, of her gentle sex the seeming paragon;
To whom the better elements and kindly stars have given,
A form so fair, that, like the air, 'tis less of earth than heaven.

Writing in her Journal, Julia LeGrand says, "I copied this parody of Pinkney's beautiful poem almost in sorrow, to see anything so filled with sweet and tender fancies so desecrated, but these things are waifs borne on the wind, indicating whence they blow, and, as such, are valuable."

The "she adders" of New Orleans were not, however, the only Southerners who were inspired to denounce Butler as he left. In Richmond Jefferson Davis himself issued a formal proclamation reciting the atrocities and outrages which the General had committed, and declaring him no longer simply a public enemy of the Confederacy, but a felon, an outlaw, and a common enemy of mankind,—one who, if captured, should be hanged immediately.⁴¹² And in Charleston, a patriotic citizen supported his President by offering a reward of ten thousand dollars for his capture; while a lady wrote to the *Charleston Courier* offering to spin the thread for the hangman's rope, and saying that her daughter would like to adjust it round the victim's neck.⁴¹³

Pleased as were all Southerners to see Butler go, the people of New Orleans were still captive under his successor. The first few days of Banks' rule afforded, it is true, some encouragement. Signs appeared that the new general would follow a more liberal policy. He immediately suspended, for instance, the auction sales, which had been so galling; and allowed the churches of the ministers who had omitted the prayer for Lincoln to be reopened.⁴¹⁴ His first proclamation, too, unlike those of his predecessor, was mild and even friendly. Containing no word of bitterness or denunciation, it made an eloquent plea for the Union.⁴¹⁵ This attitude the people recognized and appreciated. After reading it, the editor of the *Picayune* wrote: "It is supposed that Gen. Banks intends to pursue a liberal course here. We trust this expectation may be realized. Our citizens should not hesitate to make known their grievances to him. We understand that he invites them to a full, free and frank expression of their views and feelings, so far as their condition as citizens of New Orleans is concerned, and that he will extend to them all the relief in his power."⁴¹⁶ Moreover, just after copying the "Ladies' Farewell" in her journal, Julia LeGrand wrote: "General Banks has, so far, by equitable rule commanded the respect of his enemies. We know him as an enemy, it is true, but an honest and respectable one."⁴¹⁷

⁴¹² James D. Richardson, ed., *A Compilation of the Messages and Papers of the Confederacy Including the Diplomatic Correspondence, 1861-1865* (2 v., Nashville, Tenn., 1905) I, 269-274.

⁴¹³ Quoted in *Butler's Book*, 547.

⁴¹⁴ Gen. Orders Nos. 111 and 118, New Orleans, Dec. 17, 24, 1862, *O. R. A.*, Ser. I, v. 15, pp. 611, 624.

⁴¹⁵ Banks' Proclamation, New Orleans, Dec. 16, 1862, *ibid.*, 624-625.

⁴¹⁶ *Picayune*, Dec. 19, 1862.

⁴¹⁷ *Journal of Julia LeGrand*, 55-56.

Nevertheless, despite the hope of some relaxation of Butler's stern rule and some relief from his insulting language, the people were far from happy. After all, the enemy was still within their gates; and their friends and relatives were still fighting a bloody war beyond the lines. Indeed, Christmas, 1862, was the saddest the city had ever seen. Of it Miss LeGrand wrote: "Christmas passed off quietly, and, to us, sadly."⁴¹⁸ And again, on New Year's Eve: "I write, this beautiful last day of December, with a heart filled with anxiety and sorrow; with my own sad history that of others mingle."⁴¹⁹

Though Banks' rule did prove milder, the people of New Orleans were not to be happy again for many years. The fall of Vicksburg the following summer, and the opening of the Valley, gave them some economic relief; and, eventually, after Appomattox, some of their soldiers returned. But the old way of life was gone, and the bitter years of Reconstruction lay ahead.

Even when the miseries of carpetbag rule at length subsided and when the memory of the war itself began to fade, the people of New Orleans still recollected "Beast" Butler. His name, as he himself foresaw, became "indissolubly connected" with the city. Toward the close of the century, Grace King, the New Orleans patriot-historian, wrote that grandmothers still treated children when they were good "not to the thrilling adventures of Blue Beard and Jack the Giant Killer," but to tales of the Yankee fiend.⁴²⁰ And in the city today he is almost as vividly remembered as Huey Long himself. But to a generation which has now twice seen its most intelligent leaders and its most objective scholars succumb to the grip of war emotions, it can hardly be surprising that the grandmothers of New Orleans should have remained to the end relentless in their judgment of General Butler.

It is true that his rule at New Orleans was unnecessarily severe. The hanging of Mumford, for instance, was unquestionably too drastic an act; sentence to Ship Island would have been enough. It is true also that his manner of doing things, his impetuosity, his tactlessness, the fierce language of his orders, were extremely objectionable. He did not need to flaunt his power

⁴¹⁸ *Ibid.*, 60.

⁴¹⁹ *Ibid.*, 58.

⁴²⁰ King, *New Orleans: The Place and The People*, 306.

with such ostentation. On the other hand, New Orleans as a whole was a tough city, and it gave Butler strong provocation for rough handling. The conduct of Mayor Monroe, valiant as it may have been, was not designed to placate a conquering general. And the people themselves from beginning to end were, like General Butler himself, angry and rude.

With all his severity and crudity and tactlessness, it must be said that General Butler restored order, controlled his soldiers, and, though he had no patience with those whom he considered traitors, conducted himself decently, and even kindly, toward those who were willing to admit defeat and to repent. The real issue, insurmountable by him or by any one else in 1862, was the fact that most of the people were not ready to concede victory. Jefferson Davis had indeed, as Gladstone observed, created a nation. And the people of New Orleans, though captive, were still a part of the Confederacy.

In general it is safe to conclude that Butler's rule in New Orleans was no worse than, and probably not as bad as that of the Reconstructionists of later years. Condemnation of his harshness is mainly condemnation of that generally vindictive spirit which seems to follow upon the heels of wars. Hence, in any historical view, Butler must appear less the monster than a subject people thought him than an embodiment,—and certainly in the South the first considerable embodiment,—of the im-memorial ways of the victor with the vanquished.

APPENDIX

GENERAL BUTLER'S BUSINESS TRANSACTIONS

In regard to General Butler's business transactions, James Parton, his apologist, writes:

In anticipation of the opening of the port to northern trade, and in order to convince the holders of produce that New Orleans was already a safe market, the general determined, at once, [immediately after his arrival] to commence the purchase and exportation of sugar on government account. What merchants would call a "brilliant operation" was the result of his endeavors. Lying at the levee he had a large fleet of transports, which, by the terms of their charters, he was bound to send home in ballast. There is no ballast

to be had in New Orleans at any time, and none nearer than the white sand of Ship Island, five days' sail and thirty hours' steam from the city. There was sugar enough on the levee to ballast all the vessels, at an immense saving to the government, to say nothing of the profit to be realized in the sale of the sugar at the North. He determined to buy enough sugar for the purpose.

To show the wisdom of this measure, take the case of the steamer *Mississippi*, hired at the rate of fifteen hundred dollars a day. "She must have," explained the general, "two hundred and fifty tons of ballast. To go to Ship Island and have sand brought alongside in small boats, will take at least ten days; to discharge the same and haul it away, will take four more. Thus, it will cost the government twenty-one thousand dollars to ballast and discharge the ship with sand, to say nothing of the cost of taking the sand away, or the average delays of getting it, if it storms at Ship Island. Now, if I can get some merchant to ship four hundred hogsheads of sugar in the *Mississippi* as ballast, which can be received in two days almost at the wharf where she lies, and discharged in two more, the government will save fifteen thousand dollars by the difference, even if it gets nothing for freight. But, by employing a party to get the ballast, see to its shipment, and take charge of the business, as a ship's broker, and agreeing to let him have all he can get over a given sum—say five dollars per hogshead for his trouble and expenses of lading—the government in the case given will save two thousand dollars more—four hundred hogsheads, at five dollars—say, in all, seventeen thousand dollars."

It was difficult to start the affair from want of money. The government had no money then in New Orleans, and the general had none. By the pledge of the whole of his private fortune (\$150,000), he borrowed of Jacob Barker, the well-known banker, one hundred thousand dollars in gold, and with this sum at command, he proceeded to purchase. Merchants were also permitted to send forward sugar as ballast, on paying to the government a moderate freight. The details of this transaction were ably arranged by the general's brother, a shrewd and experienced man of business, who was allowed a commission for his trouble. The affair succeeded to admiration. The ships were all ballasted with sugar. The government took the sugar bought by the general's own money, and repaid him the amount expended; the whole advantage of the operation accruing to the United States. The sole result to General Butler was a great deal of trouble, and, at a later period, a great deal of calumny. The owners of some of the transports conceived the idea that the freight

should be paid to them, or at least a part of it. General Butler opposed their claims, and the dispute was protracted through several months. The captains of the vessels, I am told, still rest under the impression that in some mysterious way the general gained an immense sum by this export of sugar. Mr. Chase knows better. *He*, if no one else, was abundantly satisfied with the transaction.

Having touched upon the subject of the calumnies so assiduously circulated with regard to the administration of General Butler in New Orleans, it may, perhaps, be as well to add here the little that remains to be said on that edifying subject.

First, let me adduce another little operation which has been construed to his disadvantage. I refer to a small quantity of cotton sent home from Ship Island by General Butler, which chanced to arrive a short time before the papers that explained the transaction.

"This cotton," wrote General Butler to the quartermaster-general, "was captured by the navy on board a small schooner, which it would have been unsafe to send to sea. I needed the schooner as a lighter, and took her from the navy. What should be done with the cotton? A transport was going home empty—it would cost the United States nothing to transport it. To whom should I send it? To my quartermaster at Boston? But I supposed him on the way here. Owing to the delays of the expedition, I found all the quartermaster's men and artisans on the island, whose services were indispensable, almost in a state of mutiny for want of pay. There was not a dollar of government funds on the island. I had seventy-five dollars of my own. The sutler had money he would lend on my draft on my private banker. I borrowed on such draft about four thousand dollars, quite equal to the value of the cotton as I received it, and with the money I paid the government debts to the laborers, so that their wives and children would not starve. In order that my draft should be paid, I sent the cotton to my correspondent at Boston, with directions to sell it, pay the draft out of the proceeds, and hold the rest, if any, subject to my order; so that, upon the account stated, I might settle with the government. What was done? The government seized the cotton without a word of explanation to me, kept it until it had depreciated ten per cent., and allowed my draft to be dishonored; and it had to be paid out of the little fund I left at home for the support of my children in my absence."

Subsequent explanations completely satisfied the government, and the money was refunded.

As these two transactions were the only ones of a commercial nature in which General Butler engaged while commanding the Department of the Gulf, and the only ones, I believe, in which he was ever concerned, the reader now has before him the entire basis of the huge superstructure of calumny raised by the malign persistence of rebels and their allies. Both of these transactions were solely designed to aid the work in hand, to remove unexpected obstacles, to anticipate measures which the government must instantly have ordered had it been near the scene of action.⁴²¹

First, in regard to the cotton transaction, let us examine the statement of Parton, and the quoted explanation of General Butler to Quartermaster-General Meigs. Parton says that the cotton "chanced to arrive a short time before the papers that explained the transaction." The fact is that the letter of explanation referred to was not written by Butler until June 10, over two months after R. S. Fay, Jr., Butler's Boston agent, had been notified of the shipment.⁴²² The explanation to Meigs, the Quartermaster-General, then, was not made until after Butler had been informed by Fay that the proceeds from the sale of the cotton (Fay was allowed by the authorities at Boston to sell the cotton) were being held by the Government⁴²³—though in the interval Butler twice wrote to Meigs about other matters.⁴²⁴ In explaining the matter to Meigs Butler says he directed his correspondent "to sell it, pay the draft out of the proceeds, and hold the rest, if any, subject to my order; so that upon the account stated I might settle with the government." But in the original letter of directions to Fay, he simply orders the balance to be put to his credit, without mentioning the possibility of settlement with the Government.⁴²⁵ In Butler's explanation to Fay he also says that the approximately four thousand dollars that he borrowed was "quite equal to the value of the cotton" as he received it. But in the letter to Fay he says that the value of the cargo would be "not far from \$5000."⁴²⁶

The questions in regard to this transaction, then, are: Why did Butler not notify the Quartermaster-General immediately of his action? Was he trying to make a profit? The circumstances seem suspicious. Nevertheless, as Parton says, the Government accepted the explanation.

⁴²¹ Parton, *Butler in New Orleans*, 408-410.

⁴²² The letter to Meigs is in *Butler Correspondence*, I, 579-580. The letter to Fay is dated, Ship Island, March 31, 1862, *ibid.*, I, 390.

⁴²³ Fay to Butler, Boston, May 19, 1862, *ibid.*, I, 465.

⁴²⁴ Butler to Meigs, Ship Island, April 3, 1862, and New Orleans, May 8, 1862, *ibid.*, I, 401, 455.

⁴²⁵ Butler to Fay, Ship Island, March 31, 1862, *ibid.*, I, 390.

⁴²⁶ *Ibid.*

As far as the purchase of sugar in New Orleans is concerned, there is little to add to Parton's statement, except to point out that this time Butler promptly explained his action to Washington, in a letter to Stanton on May 16.⁴²⁷ In this case also, as Parton says, Butler's explanations were accepted by the Government, and the transactions formally approved. Even so, there seem to have been some misgivings in official quarters. The Quartermaster-General wrote: "General Butler's action in the matter has evidently been wise and patriotic. He has incurred much responsibility and ought to be protected. At the same time, as a public officer, he ought not to be involved in private trade and profits arising out of his official power and position."⁴²⁸ Secretary Stanton wrote to Butler: "The matter of your shipments to Mr. Fay was submitted to this Department, and, in the desire to afford you every aid and facility for re-establishing trade and commerce in New Orleans, an arrangement was made by the Quartermaster-General which was entirely satisfactory to Mr. Fay. Such operations, however, should not be engaged in without an absolute and overruling necessity."⁴²⁹ Secretary Chase also, who Parton says was "abundantly satisfied," in June urged Butler to be on his guard "against the appearance of evil."⁴³⁰

Whatever the real attitude of the Washington officials, it is true that they formally approved the transactions described above. And, on account of the lack of evidence to the contrary, it is impossible to disprove Parton's statement that these two were the only dealings "of a commercial nature" in which Butler engaged while in New Orleans.

In conclusion, then, it can only be said that, whatever his intentions, General Butler acted indiscreetly or impulsively enough to bring suspicion on himself; and, in allowing his brother to carry on his operations so close at hand, despite warnings from Mrs. Butler and Secretary Chase,⁴³¹ he acted unwisely.

⁴²⁷ Butler to Stanton, New Orleans, May 16, 1862, *ibid.*, I, 493.

⁴²⁸ Quoted in P. H. Watson, Asst. Sec. of War, to Fay, Washington, June 18, 1862, *ibid.*, I, 612-613.

⁴²⁹ Stanton to Butler, Washington, June 23, 1862, *ibid.*, I, 628.

⁴³⁰ Chase to Butler, Washington, June 24, 1862, *ibid.*, I, 632.

⁴³¹ See Mrs. Butler to Butler, Lowell, Mass., "Sept. '62," and Chase to Butler, Washington, Oct. 29, 1862, *ibid.*, II, 320, 422-423.

BOOK REVIEWS

The Stewardship of Don Esteban Miró, 1782-1792. A Study of Louisiana Based Largely on the Documents in New Orleans.

By CAROLINE MAUDE BURSON. (New Orleans: American Printing Company, Ltd., 1940. Pp. ix, 327. \$3.00.)

Reviewed by WALTER PRICHARD

This timely volume, treating exhaustively some of the neglected phases of Louisiana history during the decade immediately following the American Revolution, will appeal to all those students and general readers who are interested in the development of the province of Louisiana under the Spanish domination. While it does not neglect the political, military, diplomatic and administrative phases of the colony's history in this important formative period, it is unusually complete on the economic and social conditions in the colony. The discussion of the economic and social conditions, which have been largely neglected in the old standard histories of Louisiana, seems to the reviewer to be its main contribution to the literature of Louisiana history.

The author of the volume under review makes no pretense to having produced the definitive study on the period of Miró's administration in Louisiana, and the limitations of the volume are honestly and frankly stated in the subtitle. It is to be regretted that the author did not have access to other pertinent source materials located in other archives. Such additional research would doubtless have increased the value of the work and made it approach nearer to the ideal of a definitive study of the period which it covers. However, the documentary sources utilized in the work have been thoroughly and diligently explored, and the volume evidences a vast amount of tedious and time-consuming research. The available raw materials have been effectively integrated into a pleasing pattern on the whole, though the reader may at times be inclined to feel that the mass of details tends to obscure the smooth flow of the general narrative. The chapter heads are well

selected. Each chapter is in the nature of a complete essay on the subject with which it deals, and the volume gives the reader a fairly accurate and detailed picture of the various phases of the Louisiana scene during the administration of Miró.

The critical historian may be inclined to find fault with the wording of the title, which might have been more accurately stated. The reviewer laid aside the volume with the feeling that it lacked something in the matter of the European and American background against which the study is necessarily projected, as conditions beyond the borders of Louisiana and beyond his control were in many instances more powerful determinants of Governor Miró's actions than were any conditions or influences within the colony itself. Extraneous factors, the product of unsettled conditions in North America and Europe during the period, served to keep the administration of Louisiana in "hot water" during the entire decade with which the volume deals; and the Governor of Louisiana was not left free to develop the internal affairs and resources of the province to the best advantage.

The reviewer wonders why some antiquated works of questionable value on this period, such as Jared Sparks' *Writings of George Washington* and John W. Monette's *History of the Discovery and Settlement of the Valley of the Mississippi*, are cited as authorities in the footnotes and listed in the bibliography, while such a valuable recent work as John Walton Caughey's *McGillivray of the Creeks* (University of Oklahoma Press, 1938), is not listed in the bibliography and apparently was not used at all in the preparation of the work. This last-mentioned volume contains a vast amount of source material pertaining to Miró's period in Louisiana, and some of the documents therein reprinted were certainly not available to the author in any of the other sources utilized. Acquaintance with Dr. Caughey's volume would at least have saved the author from the error of incorrectly spelling McGillivray's name more than sixty times in her volume, for the two letters reproduced in facsimile by Dr. Caughey (facing pp. 46 and 60) prove conclusively that the colorful Creek chief spelled his name with two "i's" and dotted both of them in his signature.

The use of *op. cit.* and *opus cit.*, even in some instances where *loc. cit.* would have been the correct form, in footnotes in the first part of the volume, and the substitution of the English equivalents of these Latin words, in the later chapters, grates upon the sensi-

bilities of the critical reader. The reviewer also noted over three hundred and forty instances in which *ibid.* is used without a period, as though it were not an abbreviation. Some of the works cited in the footnotes have the place and date of publication in parentheses, while the name of the publisher is not in parentheses; and in other instances the name of the publisher and the date of publication are in parentheses, while the place of publication is not in parentheses. Neither in the footnotes nor in the bibliography is the number of volumes in multiple-volume works given.

The listing of authors' names in the footnotes in two or three different forms is objectionable. The following examples of such slips have been noted: Arthur P. Whitaker (pp. 13, 28, 92, 125, 137, 179), Arthur Whitaker (p. 156), and A. P. Whitaker (pp. 170, 173, 174); Samuel F. Bemis (p. 91), S. F. Bemis (p. 142), and Samuel Flagg Bemis (pp. 145, 179); Martin Luther Riley (p. 263), M. L. Riley (p. 264), and Martin L. Riley (p. 265). There are also nearly twenty other instances where an author's name is cited in more than one form.

Misspellings of proper names occur frequently, and the following instances have been noted: George Roger Clark (p. 313) for George Rogers Clark; *Barnardo de Galvez* (p. 318) for *Bernardo de Galvez*; *Fromatin* (p. 119) and *Fromantin* (p. 322) for *Fromentin*; *Daprement* (p. 189) for *Dapremont*; Ben Carl Looney (p. 247) for Ben Earl Looney; Edward *Laroque-Tinker* (pp. 248, 249, 309) and Edward *Tinker Laroque* (p. 249) for Edward Larocque Tinker; *Meloney* C. Soniat (pp. 257, 317) for Meloncy C. Soniat; Henry B. Chambers (p. 301) for Henry E. Chambers; Meigs C. Frost (p. 75) for Meigs O. Frost; *Carlton* (p. 310) for Carleton; *Lendley* (pp. 146, 318) for Lindley; *Olmstead* (p. 148) for Olmsted, spelled correctly (p. 187); J. J. Cox (p. 312) for I. J. Cox; Merton E. *Colter* (p. 187) and Merton E. Coulter (p. 142) for E. Merton Coulter, spelled and arranged correctly (p. 164); *Abernathy* (pp. 131, 145) for Abernethy; Herbert J. Priestley (p. 14) and Herbert I. *Priestly* (p. 316) for Herbert I. Priestley; *Greenbille* (p. 27) for Greenville; *Guyarre* (p. 24) for Gayarré; *Callot* (pp. 34, 315) for Collot; *Chicashaws* (p. 46) for Chickasaws, spelled correctly (pp. 53, 56); *Atakapas* (pp. 61, 69) for Attakapas; *Proteous* (p. 91) for Porteous; *Cusacks* (p. 26) for Cusachs; *McCarthy* (p. 5) and *Mccarty* (p. 97) for Macarty; *Perrier* (p. 113) for Perier; *Galvestown* (pp. 38, 39, 147) for Galveztown, spelled

correctly (pp. 39, 49, 124); Villiers *de* Terrage (p. 317) for Villiers *du* Terrage; *J.F.T.* (p. 145) for *F.J.T.*

Omission of the middle initial or a part of an author's name has been noted in the following instances: Andrew McLaughlin (p. 144) for Andrew *C.* McLaughlin; Stanley Arthur (p. 5) for Stanley *C.* Arthur; Alexander Parsons (p. 242) for *Edward* Alexander Parsons; Arthur Whitaker (p. 156) for Arthur *P.* Whitaker; Robert Calhoun (p. 131) for Robert *D.* Calhoun. However, these omissions are in a measure counterbalanced by according to certain authors an additional and unnecessary initial, such as Thomas *P. B.* Abernethy (p. 145) and Theodore *C. C.* Pease (p. 146).

The reviewer has noted the following instances of misspelled common words: *Indain* (p. 174) for Indian; *Amrecians* (p. 183) for Americans; *volumenes* (p. 204) for volumes; *Latern* (pp. 205, 223) for Lateran; *thmselves* (p. 288) for themselves; *pubish* (p. 46) for publish; *splended* (p. 43) for splendid; *conbined* (p. 105) for combined; *secretely* (p. 177) for secretly; *Court-martials* (p. 44) for courts-martial.

The *American Historical Review* is incorrectly cited as the *American Historical "Quarterly"* (p. 27), and the *Louisiana Historical Quarterly* as the *Louisiana Historical "Society" Quarterly* (p. 189). The "University of Louisiana" is incorrectly used for the Louisiana State University (p. 309).

The following errors in dates have been noted 1923 (p. 189) for 1823, as the date of publication of Livingston, Moreau-Lislet and Derbigny's revision of the Louisiana Civil Code; 1798 (p. 291) for 1794, as the date when *Le Moniteur de la Louisiane* began publication; 18-4 (p. 308) for 1841, as the date of publication of Victor Debouchel's *Histoire de la Louisiane*. Galveztown is erroneously located on the Mississippi River (p. 38), whereas it was actually situated at the junction of Bayou Manchac and the Amite River, more than twenty miles from the Mississippi.

The reviewer is not certain that he caught all the errors in a single careful reading of the volume. But those listed above are sufficient to convince the most skeptical that someone has been seriously at fault in the preparation of the volume. It is the duty of the author to supply the printers with as nearly a perfect manuscript as possible, and a careful checking and re-checking of the manuscript would have eliminated most of the

obvious errors listed above. It is the duty of the printers to "follow copy", and no printer can be blamed for errors that are delivered to him in the manuscript. However, efficient proof-reading of the material after it was set up in type would have been sufficient to catch most of the errors that have crept into this work. There is unmistakable evidence that both author and printer have been remiss in their duties in the preparation of this volume.

The printing job as a whole is quite unattractive. The type used in the body of the work is entirely too small to make a good impression on the reader. Long quotations are printed in the same size type as the body of the narrative, without any indentation to set such quotations apart from the remainder of the text. And the printing of direct quotations of from one to three lines, in separate paragraphs, instead of placing them in quotes in the body of the text, is certainly not in keeping with accepted rules in printing. The format of the bibliography, in places, taxes the patience of the reader. The binding is about as unattractive as the printing. It is a matter of regret that a volume upon which the author has bestowed such a vast amount of labor in research should appear in such an unattractive dress.

There is a rather extensive bibliography, though several works of doubtful value are included and other more recent and better secondary works are omitted. A more critical evaluation of the secondary works listed would certainly have excluded some of them as of little or no value. The arrangement or classification of the various types of source materials is not according to the most approved form. The index is fairly complete, though it is devoted principally to a list of proper names.

In spite of the numerous minor errors and defects which have been pointed out, this volume is a very important contribution to the history of Louisiana during the Spanish domination. The mass of material here assembled and integrated cannot be found in such convenient form in any other work. The student of Louisiana history cannot afford to neglect this work, especially when searching for information upon the economic and social conditions in Louisiana during Miró's administration.

Edward Livingston: Jeffersonian Republican and Jacksonian Democrat. By WILLIAM B. HATCHER. (University, Louisiana: Louisiana State University Press, 1940. Pp. xvi, 518, illustrated. \$3.50.)

Reviewed by WILLIAM O. LYNCH

Edward Livingston of New York and Louisiana was a brother of Chancellor Robert R. Livingston. Edward first came to the front in New York politics in the most active period of Aaron Burr, when the evolving Republican Party was weakened by the clashes between the Clintons and the Livingstons. Elected to the national House in 1795, he remained a member until 1802. He first won prominence on the national stage, when he stood with Albert Gallatin in the famous House fight against Jay's Treaty. Later, the two leaders fought together against the Alien and Sedition Acts. In 1801, he was regarded as one of the pivotal men during the desperate attempt of Federalists to elect Burr to the presidency. However, he voted for Jefferson on every ballot. In 1802, he was appointed by Jefferson to the office of United States Attorney for the District of New York. One of the duties of this office was the collection of Federal taxes. It was one of the misfortunes of Livingston's life that he entrusted this duty to a subordinate whom he did not properly supervise. There was a serious defalcation, and Livingston lost his office. In 1804, he went to Louisiana. In time, he rose to eminence as a lawyer there. In 1823, he became again a member of the national House after an absence of nearly a quarter of a century. In 1829, he was elected to the Senate. In 1831, he became Secretary of State in Jackson's reorganized Cabinet. In 1833, he was appointed minister to France.

Such a record of facts in relation to any able leader would make him a worthy subject for a biography. It has been the aim of Dr. Hatcher to deal impartially with Edward Livingston in each period of his career. He has shown with what energy Livingston played his part in the national House from 1795 to 1802. In the later and greater period on the national stage, the author has told simply and well the story of the achievements of

Livingston. Secretary of State in Jackson's Cabinet during the nullification crisis of 1832-1833, Livingston rendered great service to the President and made a name for himself as one of the great interpreters of the Constitution.

It was not only with these periods of political success as a national leader that Dr. Hatcher had to deal, but with the uncertain years from 1802 to 1823. This obscure period in the life of Livingston was one of much significance, and it required more research and more skill to tell the story of those years than was necessary to present the better known portions of Livingston's career. Dr. Hatcher has handled the misfortune that befell Livingston in the matter of the defalcation in New York with great fairness. He has done even better with the Louisiana years during which the transplanted New Yorker built himself up to a second and greater period of success. This is partly because a greater mass of materials was at hand as a basis for the study. Anyone who reads the six chapters relating to the years of upward climbing in Louisiana against great difficulties will learn much that is new. The prolonged second controversy between Livingston and Jefferson is the most difficult phase of Livingston's life to handle. Whether Dr. Hatcher has arrived at correct conclusions in regard to all of the various points involved in this clash, the reviewer is unable to say. Certainly, the author has made an honest attempt to unravel the tangle. Livingston's course in relation to the Batture land was certainly open to question, but it is possible that Jefferson pushed him too relentlessly in the matter.

In conclusion, it must be said that Dr. Hatcher has written a high-class biography which is supplied with a good index, and a large and helpful bibliography. The story is well organized and Livingston's life is well interpreted. The Southern Biography Series has been well started with this volume and that dealing with *Felix Grundy* which preceded it. Other volumes of the series will be awaited with interest.

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RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA LXXXVII.

October-December, 1762

(Continued from January, 1941, Quarterly)

By G. Lugano

Revised by Walter Prichard

By the Editor of the Quarterly

List of officials of Louisiana participating in the work of the Superior Council of Louisiana contained in this installment:

De Kerlérec, Louis Billouart, Chevalier, Governor
De Foucault, Nicolas Denis, acting Commissioner of the Marine, acting Intendant and First Judge of the Superior Council
De la Lande d'Apremont, Charles Marie, Councillor Assessor, and acting Procureur General
Delaunay, Louis Alexandre Piot, Councillor Assessor
De la Chaise, Jacques, Councillor Assessor, and Keeper of the King's Warehouses in New Orleans.
Lesassier, Charles, Councillor Assessor
Chantalou, Augustin, Councillor Assessor
De Kernion, Jean Francois Huchet, Councillor Assessor
De Macarty de Mactigue, Barthélémy, Chevalier, Councillor, and acting Lieutenant of the King
Fremeur, Councillor
Broutin, Francois, Royal Notary and Clerk of the Superior Council
Garic, Jean Baptiste, Clerk of the Superior Council
Lenormand, Marin, Sheriff
Bary, Marin Pierre, Deputy Sheriff
Ducros, Joseph, Attorney for Vacant Estates
Destréhan, Jean Baptiste, Treasurer of the Marine in Louisiana
Falgoust, Louis Marseille, Surgeon Major for the King at Des Allemands
Benoist, Charles, Royal Notary and Clerk of the Court at Pointe Coupée
Ricard, Pierre, Storekeeper for the King at Pointe Coupée
Duvergés, Secretary to Intendant Foucault
Duvergés; De Reggio; Ducros: Clerks or secretaries of the Superior Council
De Lafreniere, Nicolas Chauvin, Councillor (1764)

October 2, 1762.

No. 8271. 2 pp.

Contract for sale
of lumber by
Francois Roquigny
to Augustin Chantalou.

Contract for the sale of lumber passed before the Royal Notary of the Province of Louisiana, residing in New Orleans. Appearers: Sieur Francois Roquigny, resident of this city; and Monsieur Augustin Chantalou, Councillor Assessor of the Superior Council of the Province of Louisiana.

Sr. Francois Roquigny promised, bound and obligated himself to deliver to Sr. Chantalou, during the month of December next, five hundred pieces of mill lumber, beveled on two sides, measuring from ten to twelve feet in length and one foot in width, sound, fine and marketable merchandise of good quality, for which Sr. Chantalou promised and obligated himself to pay at the rate of forty sols per linear foot, and at present he gave and paid in cash and on account of said lumber the sum of 5000 livres, promising to pay the balance upon the delivery of the total quantity of same; in security whereof, Sr. Roquigny granted a mortgage on all his property, movable and immovable, present and future, it being understood that, insofar as this contract is concerned he will maintain his domicile in this city until full execution of same. Sr. Chantalou obligated himself to furnish Sr. Roquigny with ten negroes to help him to unload the lumber, when the barges have been moored at Choupitoulas or in that vicinity, and to furnish also a mooring-rope, the agreement being that Sr. Chantalou will assume the cost of unloading.

Executed in the Notarial Office of this city, on October 2, 1762, in the afternoon, in the presence of Mr. Joseph De Favrot, Captain of the Colonial Troops, and of Mr. Marin Bary, competent witnesses.

(Signed): Chantalou, for myself and for Mr. Raguet; F. Roquigny; Bary; Favrot; Broutin, Notary.

(Signed, in margin of first page): Devergés: De Reggio; Ducros.

October 2.

No. 8272. 5 pp.

Family Meeting for
selecting a tutor
and under-tutor
for the minor,
Victor Saunier.

On October 2, 1762, at four o'clock P.M., before Louis Piot Delaunay, Councillor of the Superior Council of the Province of Louisiana, Commissioner appointed in this case, in the presence of Mr. Charles Marie De la Lande D'Apremont, also Councillor of said Council, acting Procureur General of the King, personally appeared Sieur

Claude Cyprien Boby, Sergeant of the Colonial Marine Troops, who declared:

That by virtue of an order of the Superior Council, dated September 4th last, rendered on his petition, he had convened a family meeting of relatives and friends of Victor Saunier,

minor son of the late Pierre Saunier called Languedoc, for the purpose of selecting a tutor and an under-tutor to said minor.

That notice to attend such meeting was served on September 30th last by Bary, Sheriff, to Sieur Ducret called Belhumeur, grandfather of the minor; to Sr. Philisoa called Timballier, cousin by marriage of the minor; to Sr. Claude Dormoy, said minor's uncle; to Sr. Nicolas Ducret called Belhumeur, Jr., uncle of the minor; to Sr. Defeu Laurent Lerable called St. Laurent; and to Sr. Friloux called St. Eloy, friends of the minor: all residing in this city, who appeared and with one voice designated Sr. Claude Cyprien Boby, said minor's brother-in-law, as tutor, and Sr. Philisoa called Timballier, as under-tutor: both of whom signified their acceptance, expressed their willingness to perform their duty, each one in his respective capacity, and were sworn in.

And signed, with the exception of Sr. Belhumeur, Senior, and of Claude Dormoy, who declared that they could neither write nor sign.

(Signed): Boby; Philisoa; Michel Friloux; Defeu; Lerable; Ducrée.

**Homologation of
action of the
Family Meeting.**

Wherefore, We Councillor Commissioner aforesigned and undersigned, in compliance with the conclusions of Mr. De la Lande, Councillor, acting Procureur General

of the King, here present, homologated and do homologate the said family meeting of the relatives and friends of the aforesaid minor, so that it may be executed according to its form and tenor; wherefore We ordered and do order that the said Boby be the tutor, and the said Timballier be the under-tutor of the minor Victor Saunier, which trust they voluntarily accepted, promising to perform their duty; and they took an oath.

Rendered in Our Office on the day, month and year above specified.

(Signed): Delalande; Delaunay; Broutin, Clerk.

**Report of the
notices served
on persons
summoned to
attend above
Family Meeting.**

October 15.

7 pp.

**Succession of
Adam called
Blondin:
The Procureur
General reports
the death to the
Superior Council**

To the foregoing order was annexed the return of Bary, Sheriff, showing service, on September 30, 1762, on the persons named above, of the notice to attend the family meeting. (Signed): Bary.

Report by the Procureur General of the King to the Gentlemen of the Superior Council of the death of Adam called Blondin, who left several children, most of whom are minors. The deceased owned a plantation in the region of Chapitoulas, with many negroes, personal effects and chattels; and to preserve same, in the

and petitions for
permit to take
the necessary
action in the
case.

the interest of the minor children and of
whomsoever else it may concern, the Pro-
cureur General of the King represents:

May it please the Gentlemen of the Coun-
cil to appoint a Commissioner in this case, who will cause seals
to be affixed on the holdings of the succession, and who will pro-
vide for the election of a tutor and an under-tutor for the minors,
and will see that an inventory be taken of all that was left by
the deceased.

Dated at New Orleans, October 15, 1762.

(Signed) : Delalande.

Petition granted.

October 15, 1762.—Be It Done, as it

is requested, by Mr. Delaunay, Councillor
of the Superior Council of this province, whom We appoint
Commissioner for said purpose, and be it done in the presence
of Mr. De la Lande, Procureur General of the King.

New Orleans, October 15, 1762.

(Signed) : Foucault.

Notice of Family
Meeting served
on relatives and
friends of the
minor children
of Adam called
Blondin.

October 18, 1762.—On October 18,
1762, by virtue of the above order, and on
request of Mr. De la Lande, Councillor, act-
ing Procureur General of the King, notice
was served by Marin Lenormand, Sheriff
of the Superior Council, on the relatives

and friends of the minor children of the late Adam called Blondin,
to appear on the following day at the Registry before Mr. Dalau-
nay, Councillor Commissioner in this case, to express their recom-
mendations relative to the appointment of a tutor and of an
under-tutor for the minor children of said Adam called Blondin.

(Signed) : Lenormand.

Affixing of seals
on property of the
above succession.

October 15, 1762.—On October 15,
1762, at five o'clock in the afternoon,
upon petition of Mr. Charles Marie De la
Lande, Councillor of the Superior Council,
acting Procureur General of the King, and by virtue of the order
given at the bottom of said petition, on this date:

We, Louis Piot Delaunay, Councillor of said Council, Com-
missioner in this case, together with the Procureur General of
the King, the Clerk and the Sheriff of the Council, went to the
house where died, this day, Sieur Adam called Blondin, residing
in this city, on St. Peter Street, for the purpose of affixing
seals on the holdings of the succession subject to them, and for
the purpose of making a list of all goods and chattels that will

be found in evidence. And upon entering the house, We found in the first room the dead body of said deceased lying on his bed, and met Demoiselle Marie Josephe Adam, his daughter, and Sieur Francois Louis Briant, a family friend, who had assisted the deceased during his last illness. And said Demoiselle Adam and Sr. Briant having stated, under oath, that nothing of the holdings of the succession had been carried away, diverted nor secreted, We proceeded as follows:

Firstly: in said entrance room, We saw one iron kettle and a pair of tongs:

Item: one small Provence jar;

Item: two old chairs, and one cypress table;

Item: We affixed seals upon both ends of a strip of paper passing over the locks of a double-door of a walnut sideboard;

Item: in the room were found one bedstead, one mattress, one feather-bed, one bolster;

Item: another bedstead and one calico valance;

Item: one picture in bad condition;

Item: We also affixed seals on both ends of a strip of paper passing over the lock of a double-door armoire;

Item: one walnut chest of drawers, in which nothing was found;

Item: one candlestick, one hatchet, one shovel and one pickaxe;

Item: We also fixed seals on a bunch of keys.

And this is all that was in evidence in said house, and in this city, belonging to the said succession.

We were told that to said succession belonged also a plantation, situated about three leagues above this city, on the other side of the River, where are living a negro and a negress, and where are to be found some cattle, but nothing subject to seals.

The goods mentioned and described above, as well as the seals above specified, were left in the keeping of said Sr. Briant, who voluntarily took charge of same, and promised to present them again whenever requested to do so. And we signed.

(Signed): Marie Josephe Adam; Briant; Delalande; Bary; Delaunay; Broutin, Notary and Clerk.

October 16.
No. 8275. 6 pp.

*Marriage Contract
between Louis
Barbay and Jeanne
Charlotte Falgoust.*

Marriage Contract executed before the Royal Notary of the Province of Louisiana, residing in New Orleans, between Sieur Louis Barbay, inhabitant of this colony, native of the bishopric of Débreux, in Normandy, of age and in the full enjoyment of his rights, son of Sr. Louis Barbay called Sr. Chagrin (Sans-Chagrin) and of Marguerite

Gattelé, on one side; and Demoiselle Jeanne Charlotte Falgoust, native of the village Des Allemands, bishopric of Quebec, minor

daughter of Sieur Louis Marseille Falgoust, Surgeon Major for the King at the Post des Allemands, and of Dame Marie Jeanne Castang, her father and mother, who are both present and stipulate for their minor daughter.

Sr. Barbay assisted by Sr. Jacques Perillond, his brother-in-law; by Sr. Simon Chevray; and by Sr. Jean Baptiste Millet: his friends, all inhabitants of this city, for want of relatives. Demoiselle Falgoust assisted by Sr. Falgoust, her father; by Sr. Abraam Drosse, her uncle; and by Sr. Jean Louis Falgoust, her brother.

Done and passed in the Notarial Office of this city, on October 16, 1762, at four o'clock in the afternoon, in the presence of Sieurs Marin Bary and Antoine Foucher, competent witnesses, residing in this city.

(Signed): Falgoust Louis, Jr.; Barbay; Falgoust; Simon Chevrey; Dros; Millet; Bary; Foucher; Broutin, Notary.

Demoiselle Falgoust, one of the contracting parties, and Sr. Perillond declared that they could neither write nor sign.

Above contract
ordered recorded
in the Registry
by the Council.

November 6, 1762.—Considering the donation set forth in the marriage contract between Louis Barbay and Jeanne Charlotte Falgoust, and having heard the conclusions

of the Procureur General of the King, the Council ordered and does order that it be recorded, so that it may obtain its full effect. Given in the Council-chamber, in New Orleans, on November 6, 1762. (Signed): Foucault.

(Signed, in margin of first page): Devergés; De Reggio; Ducros.

October 16.

Inventory of the Adam plantation and of all its equipment and appurtenances, viz:

2 pp.

Ten arpents of land by the customary depth, one frame house with a brick chimney, and an oven in the yard;

Three cows; two bulls, each two years old; one heifer, one year old; a three-months-old calf; a sow and four small pigs;

One featherbed with its bolster; one cradle; two moss-mattresses, one of which somewhat used; two straw-mattresses, one of which quite worn; two bedsteads in bad condition; two canvas cradles, rather worn;

One woolen blanket in good condition and two others quite worn out; one horse-blanket; one small cypress table with its drawer; one old cypress armoire; two linen sheets, almost new, and one rather used and showing some mending; three old small tablecloths; six damask napkins in good condition, and four plain linen napkins almost worn out; six linen towels in good condition; nine old dish-cloths; one kitchen safe; two octagonal Fayence plates; five dishes; one green earthen pan; one large pewter plate; six broken tin spoons; one large kettle in good condition; one

Inventory of the
plantation and
effects thereon,
belonging to the
succession of Adam
called Blondin.

medium-sized kettle and one small kettle; one twenty-five-pot-capacity jar; one medium-sized laundry tub bound with iron hoops; one large old trunk; two buckets with iron hoops and iron handles; one saw, two and a half feet long; one hatchet; one flat adz; a hammer; one wimble; two shears; two old fly-wheels; an old double-handled knife; two pickaxes; two old mattocks; three sickles; one pair of small pinchers; six pounds of lead bullets; two iron wedges; six glass bottles; one tackle; one iron vise for joiner; four old timber-works; one pair of good andirons; one pair of tongs in good condition; an old shovel; one pair of flatirons; three porringers; one grindstone with its iron crank.

I certify the above to be true. October 16, 1762. (Signed):
Briant; Adam.

October 18.

3 pp.

Procès-verbal of
family meeting for
selection of tutor
and under-tutor to
the Adam minors.

On October 18, 1762, at nine o'clock in the morning, before Sr. Louis Piot Delaunay, Councillor of the Superior Council, Commissioner appointed in this case, appeared Mr. Charles Marie Delalande D'Apremont, also Councillor of said Council, acting Procureur General of the King, who declared that by virtue of the order, dated 15th of the present month, of Mr. Foucault, acting Commissioner Intendant and acting First Judge of the Superior Council, he had convened a family meeting of the following relatives and friends of the minor children of the late Nicolas Adam called Blondin, for the purpose of selecting a tutor and an under-tutor for the said minors:

Sieur Jean Baptiste Adam, brother of said minors; Sr. Nicolas Ducret called Belhumeur, brother-in-law of said minors; Sr. Nicolas Ducret, cousin of said minors; Sr. Landry, cousin by marriage of said minors; Srs. Gilles Alexis Connard; Jacques Nicolas, armorer of the King; Francois Brilland (Briant); and Francois Langlois: friends of said minors; all of them being residents of this city, who appeared and, having sworn that they would sincerely express their opinion in reference to the aforesaid selection, unanimously designated Sr. Francois Brillant (Briant) as tutor, and Sr. Gilles Alexis Connard called Laforest as under-tutor, for the Adam minors; said decision being in compliance with the last will and testament of the late Nicolas Adam called Blondin, passed before the undersigned Notary on July 23rd last.

Wherefore Sr. Brilland (Briant) shall take charge of the persons of said minors and of the administration of their property, as he was considered capable and fit to fulfill well and faithfully the duties connected with said trust.

Both the tutor and the under-tutor were sworn in, and they signed together with the other aforesaid appearers, with the ex-

ception of Sr. Nicolas Ducret called Belhumeur and Jacques Nicolas who stated that they could neither write nor sign.

(Signed) : Adam; Ducrée; Briant; Langlois; Connard; Landry.

Homologation of
the procès-verbal
of above family
meeting.

Wherefore We, Councillor Commissioner abovementioned and undersigned, conformably with the conclusions of the Procureur General of the King, homologated and do

homologate the procès-verbal of the deliberations of the said family meeting of the relatives and friends of the Adam minors, so that it may be executed according to its form and tenor.

Consequently We ordered and do order that Sr. Brilland (Briant) be the tutor and Sr. Gilles Alexis Connard be under-tutor for said minors, both having voluntarily accepted said appointment and having promised to perform their duties in the execution of their trust. And they were sworn in.

Rendered in Our Office on the day, month and year stated above.

(Signed) : Delaunay; Delalande; Broutin, Clerk.

October 20.

7 pp.

Identification
and raising of
seals; Inventory,
description and
appraisal of the
property of the
succession of
Nicolas Adam
called Blondin.

On October 20, 1762, at nine o'clock in the morning, by virtue of an order, dated 15th of the present month, of Mr. Foucault, acting Intendant and First Councillor of the Superior Council of this province; and upon request of Mr. Delalande, acting Procureur General of the King; and in the presence of Sieur Francois Briant, tutor appointed to the minor children of the late Nicolas Adam called Blondin; and in the presence also of Sr. Gille Alexis Connard called Laforest,

under-tutor appointed to the said minors, and of Jean Baptiste Adam, of age, brother of said minors:

Sieur Louis Piot Delaunay, Councillor of the Superior Council, Commissioner appointed in this case, together with the abovementioned Sr. Delalande, acting Procureur General of the King, the Royal Notary of this province, and the undersigned witnesses, went to said deceased's residence situated in this city, for the purpose of identifying and raising the seals placed on the holdings of the defunct's succession, according to the procès-verbal of the 15th of the present month, and of proceeding to the inventory, description and appraisal of all movable and immovable property, as well as of all deeds, titles, papers and documents belonging to said succession; said seals being represented as sound and intact by Sr. Briant, the appointed keeper;

And, being there, in the presence of the undersigned persons, and the appraisal being made by Marin Lenormand, Sheriff, Sieur Delaunay proceeded as follows:

Firstly, in the first room, on entering said house, were in sight: one iron kettle and one pair of tongs, the whole appraised at 20 livres:

20 — —

70 — —

15 — —

Item: one small Provence jar, valued at 70 livres:

Item: two chairs in bad condition, and a small cypress table, valued at 15 livres:

Then the seals that had been affixed on a bunch of five keys, as well as those placed on both ends of a strip of paper drawn over the locks of a double-door walnut sideboard, having been identified and removed, there were found:

First: one tart-dish with its cover, and one dish-warmer, the whole of copper, and appraised at 50 livres:

50 — —

Item: three plates and three salad bowls; one soup-tureen; one saucer; two Fayence cruet-stands, one of which furnished with its decanters; one souptureen with its lid; one small earthen dish; five glass salt-cellars: the whole appraised at 120 livres:

120 — —

30 — —

315 — —

Item: three flatirons, appraised at 30 livres:

Item: six flasks and five bottles, which, together with the said walnut sideboard, were appraised at 315 livres:

In the next room were found: one walnut bedstead, one mattress, one featherbed, one bolster, one calico valance, and another bedstead: the whole appraised at 600 livres:

600 — —

After proper identification, We raised the seals that had been placed on the ends of a strip of paper passing over the lock of a double-door armoire, in which were found: fifteen damask napkins, appraised at 300 livres:

300 — —

Item: three linen tablecloths, and seven linen napkins, appraised at 200 livres:

200 — —

Item: one large woolen blanket, appraised at 350 livres:

350 — —

Item: one mosquito net, somewhat used, appraised at 150 livres:

150 — —

Item: three pairs of sheets, appraised at 800 livres:

800 — —

Item: eight linen shirts and two others of cotton, the latter ones somewhat worn, appraised at 150 livres:

150 — —

Item: one suit of clothes: coat, waistcoat and breeches; three waistcoats, all of dimity; and five large breeches and one waistcoat of wool: no appraisement given, as these clothes are to be divided among the children:—For Memorandum: _____

Item: said walnut armoire closing with lock and key, appraised at 300 livres: _____

Item: one walnut chest of drawers closing with lock and key, with silver ornaments, in which were found: one dressing-mirror, one brass candlestick, and one Fayence water pitcher: the whole appraised at 300 livres: _____

Item: in the next room were found: one hatchet, one shovel, one pickaxe, all quite worn, appraised at 30 livres: _____

Item: one saucepan, one wimble, one hammer, one pike, one worn syringe, one copper coffee-pot in bad condition, one snuffers-holder with its brass snuffers, two brass candlesticks, one pair of scales of red copper with two beams: the whole appraised at 100 livres: _____

Item: in the cellar were found: thirty empty bottles, two demijohns also empty, and five empty sweet oil jars, appraised at 100 livres: _____

Item: one salting-tub in bad condition, and a pile of scrapiron weighing about twenty pounds: the whole appraised at 50 livres: _____

Item: one iron chain, appraised at 50 livres: _____

Item: a receipt, dated February 3, 1741, granted by the Company (of the Indies) and signed by Mr. Prevost, agent of the Company:—marked with letter: _____

Item: another receipt, dated July 8, 1754, signed by Sr. Chantalou, Notary:—marked with letter: _____

These are all the papers and documents found in the said house.

REAL ESTATE IN CITY:

Three-fourths of a lot of ground by a depth of one hundred and fifty feet, situated on St. Peter Street, in this city, adjoining on one side the property of Sieur Delalande Duvivier, and that of Gaspard Tailleur on the other side; on which ground stands a frame house, about thirty feet long by a width of sixteen feet, with a shed at one end of said house, and a kitchen in bad condition with brick floor: the whole falling in ruins:—For Memorandum:—

And nothing else having been found in this city, belonging to the said succession and to be inventoried and appraised, We proceeded, as follows, to the description and appraisal of the movable, chattel, negroes, negresses and cattle, that appear in the statement certified and signed by Sieur Briant and Blondin, Jr., (Jean Baptiste Adam, eldest son of the late Nicolas Adam called Blondin), who both swore that nothing had been diverted nor secreted:

Firstly: three cows; two bulls, each one being two years old; one heifer, one year old; one three-months-old calf; and one sow with four small pigs: the whole appraised at 2500 livres: 2500 — —

Item: one featherbed covered with ticking, with its bolster; one canvass cradle; two moss-mattresses somewhat worn; two straw-mattresses also rather used; two bedsteads in bad condition; one large woolen blanket in good condition; two smaller woolen blankets, quite worn; one dog-hair blanket; one leather coat; an old cypress armoire: the whole being used by the deceased's children:—For Memorandum:—

Item: ten linen bed-sheets in fair condition, and another one which shows some mending; three small tablecloths; six good damask napkins; four other plain linen napkins almost worn out; six plain linen towels in good condition; nine dishrags in bad condition; one kitchen safe; two Fayence plates; five dishes in bad condition; one green earthen pan; one large pewter dish; six broken tin spoons; one large kettle in good condition, and two smaller ones; one Provence jar, about twenty-five-pot-capacity; one medium-sized washtub with iron hoops; one large old chest; two iron-hooped buckets; one handsaw, two and a half feet long; one hatchet in good condition; one flat adz; one hammer; one wimble; two shears; two old fly-wheels; one double-handled knife; two used mattocks; two old flat spades; three sickles; one pair of small pinchers; six pounds of lead bullets; two iron wedges; six glass bottles; one tackle in good condition; one iron joiner's vise; four old timber-works; one pair of good andirons; one pair of tongs and one fire-shovel; one pair of flatirons; two iron-hooped basins; one grindstone with its crank: the whole appraised at 3000 livres: 3000 — —

Item: an old negro named Michel, about sixty years old, valued at 600 livres: 600 — —

Item: a negress named Julie, about twenty-three years old, valued at 9000 livres: 9000 — —

Item: the plantation consisting of a frontage of ten arpents by the customary depth (40 arpents), situated about three leagues from this city, on the opposite side and on the ascending bank of the River, opposite the Chapitoulas settlement, adjoining on the upper side the property of widow Chauvin, and on the lower side the property of widow La Croix; on which ground stands a frame house in bad condition, with a brick chimney, and an oven in the yard: no appraisal given; For Memorandum:—

Item: the minor children do acknowledge that the said succession owes to Jeannette Adam, their sister, the sum of three hundred livres, that she loaned during the last illness of their deceased father;

Item: the said minors declare that the Succession owes also the funeral expenses.

All this having been accomplished, and nothing else having been found on the plantation to be inventoried and appraised, according to the statement and assurance of the said Sieurs Briant and Adam, all the items entered in the present inventory were entrusted to Sr. Briant's keeping, with the consent of the under-tutor and of the Procureur General of the King.

Whereupon the present inventory was executed and closed on the day, month and year above specified, at half past eleven in the morning, in the presence of Sieurs Marin Bary and Antoine Foucher, witnesses, residing in this city, and also in the presence of Marie Josephe Roy, wife of Vigé, and of Marie Josephe Adam called Blondin, who signed together the tutor, the under-tutor, and the said Jean Baptiste Blondin Adam.

The interested parties declared that there are altogether nine children of the late Nicolas Adam called Blondin, viz: Jean Baptiste Adam, the eldest son, about twenty-seven years of age; Nicolas Adam, about twelve years old; Francois Adam, about nine years old; Louis, about eight years old; André, about seven years old; Marie Josephe, minor daughter, about twenty-three years old; Marie Jeanne, about sixteen years old; Marguerite, about fourteen years old; Marie Francoise, about twelve years old: all issue of the late Nicolas Adam called Blondin and of Marie Marguerite Roy, their father and mother. And signed.

(Signed): Femme Viger; Briant; Connard; Adam; Lenormand; Foucher; M. J. Adam; Delaunay; Bary; Delalande; Broutin, Notary.

October 23.

No. 8280. 1 p.

Private act of
sale of a female
Indian slave, sold
by Madame Chotard
to Dubourg, deposited
in Notarial Office.

I, the Undersigned, Madame Chotard, under my mark and in the presence of the undersigned witnesses, do acknowledge having this day sold to Mr. Dubourg one female Indian slave named Francoise, about twenty-five years old, for the price of 3500 livres, in colonial currency, which sum Mr. Dubourg promised to pay and remit to me within one month from date, upon the con-

dition that if at the end of said month Mr. Dubourg should not be satisfied with said slave, I shall take her back without opposition. New Orleans, October 23, 1762.

(Signed) : Cross-mark X of M'me Chotard; DuBourg; F. De Laronce, witness; Francois Barient, witness.

*Certification of deposit
in Notarial Office.*

November 7, 1762.—**Deposited in Our
Office at New Orleans, on November 7, 1762.**

(Signed) : DuBourg; (Notary's signature
missing.)

(Signed, in margin) : Devergés; De Reggio; Ducros.

October 25.

No. 8276. 3 pp.

*Marriage Contract
between Jean
Voigner and Marie
Louise Demeillier.*

Marriage Contract executed before the Royal Notary of the Province of Louisiana, residing in New Orleans, between Sieur Jean Voigner, of age and enjoying his full rights, native of St. Nicolas Poron a Lorraine, bishopric of Thoux, parish of St. Nicolas, Sergeant in the company of Mr. Le Chevalier De Macarty of the detached Marine Troops

garrisoned in this colony, son of the late Jean Voigner and of the late Marie Husson, on one side; and Dame Marie Louise Demeillier, widow of the late Jacques Bonffer called Dupré, on the other side.

Sr. Voigner assisted by Sieur Jean La Court called Dubourg, Sergeant Major of the said colonial troops, his friend; and by Sr. Simon Chevraie called Monthureuil, inhabitant of this city, also his friend, for want of relatives. Dame De Meilliere, widow Bonfleur, assisted by Sr. Pierre Lancon, resident of this city, her friend; and by Sr. Raynaud Saramiac, artillery soldier, her friend, for want of relatives.

Done and passed in the Notarial Office of this city on October 25, 1762, in the afternoon, in the presence of Sieurs Marin Pierre Bary and Antoine Foucher, competent witnesses.

(Signed) : Mari Louse de Melolei (Marie Louise Demeillier); Lacour; Arnot Saramia; Simon Chevrey; Lanson; Bary; Foucher; Broutin, Notary.

The contracting party, Jean Voigner, declared that he could neither write nor sign.

(Signed, in margin of first page) : Devergés; De Reggio; Ducros.

October 27.

No. 8277. 2 pp.

*Compromise executed
at Pointe Coupée
concerning division
of property of the
succession of
Estienne Decuir.*

Before the Royal Notary of the Post of Pointe Coupée appeared, on one side, Pierre Ledoux, inhabitant of this Post, in the name and as husband of Cecille Rondeau, widow by first marriage of the late Estienne Decuir, the said Appearer's wife being also present, and having been duly authorized by her husband to act herein; and, on the other side, Antoine Bordelon, in the name and as hus-

band of Marie Anne Decuir, who also appeared and was duly authorized by her husband; and also Nicolas Decuir, in the name and as husband of Marie Louise Decuir, who also appeared, and was duly authorized by her husband to act herein: the said Marie Anne Decuir and Marie Louise Decuir being the daughters of the abovementioned late Estienne Decuir and of the said Cecille Rondeau, appearer of the first part.

The appearers, for the purpose of amicably putting an end to and of settling all lawsuits that arose and might arise between themselves, have come to the following agreement:

Sieur Pierre Ledoux and his wife consented to give and deliver one negro girl named Anne, from nine to ten years old, to Sr. Antoine Bordelon and his wife, who, having already received the remainder, as per marriage contract, acquitted and released Sr. Ledoux and his wife; and also Sr. Pierre Ledoux and his wife consented to give and deliver one negro named Hector, about fifteen years old, to Sr. Nicolas Lacour and his wife, who, having already received and acknowledged 2511 livres and five sols, acquitted and released Sr. Ledoux and his wife.

The present agreement and compromise settled all claims of the parties of the second part against the succession of the late Estienne Decuir, without prejudice to the rights that they might assert against the succession of the said Cecille Rondo, their respective mother and mother-in-law.

Done and passed on October 27, 1762, in Pointe Coupée, in the presence of Sieurs Pierre Ricard and M. Roujeot, competent witnesses, who signed together with Cecille Rondo and Antoine Bordelon and the Notary; while Pierre Ledoux, Nicolas Lacour, Marie Anne Decuir, and Marie Louise Decuir declared that they could neither write nor sign.

(Signed): Cecile Rondo, wife of Doux; Antoine Bordelon; Ricard; Roujot; J. B. Lacour, present at drafting of act.

(Signed, in margin of first page): Devergés; De Reggio; Ducros.

(Translator's Note: The signature of "J. B. Lacour" above is an unusual one. He was probably a relative of Nicolas Lacour, one of the parties of the second part, who could not sign.—G.L.)

October 27.

No. 8273. 4 pp.

Freedom granted
to a negress
Jeanneton and her
daughter by Bertrand
Joffre called La
Liberte, in his will.

Extract from the Testament of Sieur Bertrand Joffre called La Liberté: Testament dated February 24, 1740. (Illegible) . . . declared that not knowing a better way of rewarding the service that was rendered and is being daily rendered to him by one Jeanneton, his negress slave, who has a little daughter about six years old; and intending to set her and her child free, earnestly begs the Messeigneurs the Governor and Commissioner Intendant of this colony that it may please them to grant freedom

to the said Jeanneton and to her child, as he himself would set them free from the day of his death, upon the condition, however, that after his death, she be placed in the Hospital for the Poor of this city to assist the sick for the term of two years in succession, her own and her child's maintenance to be provided during such time.

Collated with the original. (Signed) : Renne, Notary.

Petition by Raguet
to Governor Bienville
and Intendant Salmon,
to free the negress
Jeanneton and her
child.

May 24, 1742.—Petition to My Lords,
De Bienville, Governor of the Province of
Louisiana, and De Salmon, Commissioner
Intendant:

Mr. Raguet, in the name and as administrator of the Hospital for the Poor of this city, had the honor to represent that the said La Liberté, by his testament, an extract from which is hereto annexed, had, with your permission, granted freedom to a negress called Jeanneton, as well as to her daughter, about seven years old, on condition that she should serve two years in this Hospital as nurse for the poor and sick; and, since said negress has faithfully complied with the condition of the testament of the late La Liberté, her master, in serving for two years in said Hospital, the aforesaid administrator earnestly beseeches You, Seigneurs, to confirm and ratify the deceased's intentions, and to grant the said negress Jeanneton and her daughter Marie Jeanne, their freedom, to be enjoyed by them as free subjects of His Majesty. New Orleans, May 24, 1742. (Signed) : Raguet.

Freedom granted to
Jeanneton and her
daughter Marie Jeanne
by Bienville and
Salmon.

June 1, 1742.—The Above petition having been considered by Us, the Governor and the Intendant of the Province of Louisiana, and also the annexed extract from the testa-

ment, according to which the said Joffre called La Liberté requests that freedom be granted to a negress belonging to him and named Jeanneton and also to her daughter named Marie Jeanne; We, by virtue of the power granted to Us by His Majesty, confirmed and ratified and do confirm and ratify, by these presents, the intention expressed by Joffre in his will. Accordingly, said negress named Jeanneton and her daughter named Marie Jeanne shall enjoy all the privileges and rights of free people. In witness whereof We signed these presents, to which the seal of Our Coat of Arms was affixed; and the same countersigned by Our Secretaries. New Orleans, June first, 1742.

(Signed) : Bienville; Salmon.

(Bienville's Seal) ; (Salmon's Seal.)

(Signed) : Bimont; Delasalle.

Deposit of act
of emancipation
in Notarial Office.

Deposit of act of emancipation in the No-
tarial Office by one Grand Jacob, a free
negro.

(Signed) : Broutin.

(Translator's Note: This document, which appears to be an original, was deposited in the Notarial Office on October 27, 1762, twenty years after its ratification. For such reason it is presented here under the said date. No explanation is given concerning the deposit, which was made by a free negro called Grand Jacob. The marginal note relative to said deposit was paraphed by Broutin, who was Clerk and Royal Notary in 1762.—G.L.)

October 27.
No. 8278. 2 pp.

Surety given by
Julien Vienne,
New Orleans merchant,
for proceeds of sale
of prize cargo of the
vessel "L'Avanturier",
as well as for proceeds
of sale of the vessel
if sold.
(Apparently the prize
money was to be held
in trust by Vienne
pending distribution
among the various
parties in interest.)

Militia and merchant in this city, who also appeared and voluntarily offered himself as surety for said Sr. Vienne for the sums which might arise from the sale of the cargo of the vessel "L'Avanturier", as well as from the sale of said vessel; and to that end Sr. Braquier mortgaged all his property, movable and immovable, present and future.

Executed in the Notarial Office of this city, on October 27, 1762, in the presence of Sieurs Marin Bary and Antoine Foucher, competent witnesses.

(Signed): J. Vienne; Braquier; Bary; Foucher; Broutin.
Notary.

(Signed, in margin of first page): Devergés; De Reggio;
Ducros.

October (?).

Rateau: M. Rateau owes Couturier & Pre-vost:

4 pp.

Ledger Extract.
This document is
undated except at
the end, and it is
presented here only
because it was found
in the folder of
October, 1762.
It contains several
accounts that appear

12 damask napkins.....	13	livres
one pair of bed-sheets.....	7	
2 pairs of sheets.....	25	
6½ yards of Red Limbourg	67	
23 napkins.....	12	
16 yards of Scamoise.....	50	
4 plates and 3 dozen dishes		
of fine tin.....	51	

to be due to Couturier & Prevost, who must have been general traders of their time, as they sold almost everything that was useful in the colony, from personal effects to agricultural implements, machinery, real estate, new and secondhand goods, cattle, slaves, etc. It is interesting for the prices at which many different items sold.

6 plates, one porringer and 16 old tin dishes.....	16
2 water-jars, 10 cups, 15 saucers and one Fayence sugar-bowl	7
2 frying-pans, 2 gridirons, 2 scummers, one trivet and two used stewpans.....	14
one large cellaret furnished with 22 flasks.....	35
one adz, 2 wimbles, one pair of shears.....	9
1 copper kettle, one copper strainer, and one iron kettle	23
4 long saws.....	21
3 long saws and one compass-saw.....	37
13 hatchets, 13 shovels, and 17 pickaxes: all with their handles.....	36
2 yoke of oxen.....	635
1 yoke of oxen.....	285
5 cows and 6 heifers.....	600
8 hogs.....	172
one wooden bed, with green serge valance, one mattress, one bolster, one woolen blanket.....	156
one small single-door armoire.....	14-
one small old mirror, with a porcelain frame..	5- 10
2 old kettles: one of iron and the other of copper	10
one negro "piece d'Inde" named Bovet.....	1050
one negro "piece d'Inde" named Sassemme and his wife named Janneton.....	3300
 Total.....	6751 livres- 10 sols

M. ALEXANDRE

12 napkins and one tablecloth.....	40
12 napkins and one tablecloth.....	39
12 napkins and one tablecloth.....	41
six napkins and 4 tablecloths.....	15
2 pairs of sheets.....	15
10 Fayence plates.....	30
one pair of silver candlesticks, one pair of snuffers and one snuffers-holder.....	35
one pair of silver candlesticks, one pair of snuffers and one snuffers-holder.....	35

one water tank with its wash-basin of tin.....	12
one slat table with drawer.....	16
one walnut chest of drawers.....	39
one earthern demijohn.....	45
one tin watering-pot.....	15
two yoke of oxen.....	655
one yoke of small oxen.....	210
6 young bulls and one heifer.....	350
six heifers.....	445
one negro "piece d'Inde" named Jeannot.....	1000
one negro "piece d'Inde" named Coroco.....	1740

4777

ROUMIER

13 napkins and one tablecloth.....	30
12 napkins and one tablecloth.....	30
one walnut armoire.....	175
one small iron kettle.....	5

240

To MR. GAUTREAU

6 yards of flannel.....	11
one china coffee service, consisting of 6 cups, 6 saucers of high quality porcelain; 5 cups and 5 saucers of Japanese porcelain and one sugar-bowl	25
one negro "piece d'Inde" named Cézard.....	2000
	2036

To JEAN

2 sugar-bowls, 2 candlesticks, 2 flasks and one water pitcher: all crystal ware.....	12
---	----

MR. LAPLACE

one pair of bed-sheets.....	24
one bedstead, one featherbed, one mattress,	
one bolster, and one woolen blanket.....	126
	150

MADAME MAREST

5 pieces of painted tapestry.....	100
one old mirror with gilt frame.....	38

138

MONSIEUR DALCOUR

one small mirror with gilt frame.....	20
sixteen sheep, 2 rams, 4 ewes and one lamb.....	700

720

MR. CARRIÈRE

2 pairs of sheets.....	29
9 yards of building and paving stones.....	23
one mirror with gilt frame.....	46
1 large joiner's bench.....	52
one walnut armchair stuffed with hair.....	14- 10
5 old chairs and one armchair stuffed with straw, in bad condition.....	7- 10
3 cows.....	255-
	426 liv. 10 s.

MONSIEUR VOISIN

4 Fayence plates quite worn and 24 dishes.....	13
--	----

MR. RATEAU owes COUTURIER & PREVOST:

one negro "piece d'Inde" named Lajoye; his wife named Manon; one negro girl three years old; and one negro boy, named Baptiste, fourteen years old.....	4620
one negro "piece d'Inde" named Banbara.....	1795
one negro "piece d'Inde", his wife named Thérèze, one negro boy named Francois three years old, and a negro child at the breast.....	4350
one negro "piece d'Inde" named Fauchon.....	2100
	12865 — —

From the other folio: account of Mr. Rateau..	6751- 10 —
---	------------

Total.....	19616- 10 —
one armchair stuffed with straw.....	7- 10 —
one walnut armchair stuffed with straw.....	14- 10 —

The Plantation.....	19638- 10 —
	7200- — —

26838- 10 —

SR. IGNACE TREPAGNIER

16 geese and ganders.....	64
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MADAME MACARTY

1 walnut table.....	15
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MR. LABAT

5 glass demijohns.....	45
------------------------	----

MR. JASAM

56 glass bottles.....	24
-----------------------	----

MR. GUILLO

one tart-dish, one skewer.....	18
two claw-footed cypress tables.....	16
one bedstead, one featherbed, one mattress, one bolster, one woolen blanket, one valance.....	164
one clay jar.....	50
	<hr/>
	248

MR. DREUX

one negro "piece d'Inde" named Jary.....	1700
	<hr/>

SR. FRANCOIS TREPAGNIER

one negro "piece d'Inde" named Nagot.....	1840
one negro "piece d'Inde" named Bernard.....	1550
one negro named Rodrique.....	2200
	<hr/>
	5590

MR. DAUSEVILLE

one stuffed armchair.....	30
one brass bell.....	60
	<hr/>
	90

MR. CHEVAL

one dozen chairs.....	14
one pepper-mill in bad condition; four used locks, and other worn pieces of iron.....	10
	<hr/>
	24

SR. RICARD

one negress named Marie Louise.....	2200
	<hr/>

MR. DAUPHIN

15 straw-stuffed chairs.....	38
one pair of andirons, one shovel, one pair of tongs, and one broken andiron.....	21
one negro "piece d'Inde" named Darieux, his wife named Minerve, one negro girl named Jean- nette eight years old; another negro girl named Marianne 4 years old; and one negro child at the breast	3700
	<hr/>
	3759

MADAME SOILEAU

one negress "piece d'Inde" named Julie, one mulatto boy six years old, and another negro child at the breast. 3260

MR. HENRY

one cypress cupboard. 75

Promissory Note:
Patricio Romo to
Masieux Arnado.

number 25127, and reads:

I, Patricio Romo affirm that I owe to Masieux Arnado the sum of three pesos that I shall pay according to agreement, and, this being the truth I signed it on December 3, 1744. (Signed) : Patricio Romo.

Inventoried and marked. (Signed) : Fleuriau.

Promissory Note:
Juan Gutieres to
Durande.

The other is marked with the number 27124, and reads:

I, Ju'n Gutieres say what is true that I owe to Monsiu Durande the sum of thirteen pesos which I shall pay; and this being the truth, I signed it on May 27, 1738. (Signed) : Ju'n Gutieres.

Marked 27124 and paraphed.

November 4.

No. 8282. 2 pp.

Procuration by
Catherine Chauvin
Lafrenière Ducomméel
to Captain Tondu, for
collection of a sum of
money due her in
Santo Domingo.

Before the Royal Notary of the Province of Louisiana, residing in New Orleans, in the presence of the hereinafter and undersigned witnesses, personally appeared Dame Catherine Chauvin Lafrenière Ducomméel, wife of Mr. Louis Charles Ducomméel, former Captain of the Colonial Troops, by whom she was duly authorized to act herein, by virtue of an act passed before Mr. Chantelou, Notary, on July 1, 1761; said appearer

being co-heiress of the late Mr. Nicolas Chauvin De la Frenière, in his lifetime Councillor Assessor of the Supreme Council of this province; and desiring to recover the sum of 1132 livres, 8 sols and 6 deniers, representing one-fourth of the sum of 4529 livres and 14 sols of colonial currency, due to said succession by Mr. Pierre Hervier and Company, of Cap Francais, Island and Coast of St. Domingo, does, by these presents, constitute as her general and special attorney, Sieur Tondu, shipmaster, to whom she granted full power and authority to receive and recover, in her name, from Sr. Pierre Hervier, or from whomsoever else it may concern, the said sum of 1132 livres, 8 sols and 6 deniers, in currency, at the rate of five livres per piastre, due by him as

per account and statement under date of December 31, 1748, signed and certified by said Sr. Hervier and Company. The Constituent authorizes her designated attorney to grant valid releases for the sums that will be paid to him; and in case of default or refusal of payment to have said Sr. Hervier, or whomsoever it may concern, compelled thereto by all possible means; to obtain judgments, sentences, seizures, executions and sales; to compromise, to pass and sign acts, deeds and contracts; to proceed to liquidations and divisions; to constitute one or more attorneys and to substitute or revoke them; and to do all that could be done by the Constituent herself, if she were present, as circumstances may require, without making it necessary to confer upon him any other or more special power than the one set forth by these presents: promising to accept as satisfactory and to approve and ratify all that will be executed by the said constituted attorney, even if not specifically mentioned in these presents.

Passed and done in the Notarial Office of this city, on November 4, 1762, in the morning. Witnesses: Sieurs Marin Bary and Antoine Foucher.

(Signed): Catherine Chauvin Lafrenière Duhommeé; Foucher; Bary; Broutin, Notary.

(Signed, in margin of first page): Devergés; De Reggio; Ducros.

November 8.

No. 8284. 2 pp.

Agreement made
by Pierre Ricard
and Francois Alain
with Louis, a free
mulatto, in regard
to remuneration of
the latter for caring
for cattle of the
former in the
Opelousas district.

Before the Royal Notary of Pointe Coupée, personally appeared Sieur Pierre Ricard, storekeeper for the King at this Post, and Sieur Francois Alain, his son-in-law, lieutenant of the Militia of this Post, both of whom promised, by these presents, and do promise, to the effect of rewarding the good services of one Louis by name, free mulatto, and the good care that he will take of the cattle said appearers are sending to Opelousas, where they intend to establish a dairy, to grant said Louis, free mulatto, who

is also present, one-tenth of all that the cows will bring forth, for as long as said Louis will remain keeper and caretaker of said cattle; this being agreed upon by all the appearing parties, at said Post of Pointe Coupée, on November 8, 1762, in the presence of Sr. Francois Marcantell and Sr. Louis Renaud Du Val, competent witnesses, who signed together with the contracting parties and the Notary, with the exception of the aforementioned Louis, free mulatto, who declared that he could neither write nor sign.

(Signed): Allain, Jr.; Ricard; Benoist, Notary.

(Signed, in margin of first page): Devergés; De Reggio; Ducros.

November 8.

2 pp.

Family Meeting
held to decide
upon the sale of
property of the
succession of
Nicolas Adam
called Blondin.

order rendered upon his petition on the sixth of the present month by the Superior Council, he convened a family meeting of the following relatives and friends of the said minors:

Sieur Jean Baptiste Adam, brother of said minors; Nicolas Ducret called Belhumeur, uncle of said minors; Nicolas Ducret, cousin of said minors; Gilles Alexis Connard, under-tutor; Andry, assistant engineer, cousin by marriage of said minors; Marin Bary, friend of said minors; Jean Baptiste Gautrau, friend of said minors: all residing in this city, who were convened for the purpose of giving their advice concerning the holdings of said Nicolas Adam called Blondin, in conformity with the abovementioned petition. All of whom appeared and, having sworn to express their opinion faithfully and sincerely in the matter submitted to their judgment, with one voice declared their advice to be that the petition presented to the Council be executed according to its form and tenor; that the sale be effected as soon as possible; that the sum of 14,000 livres, as per Briant's request, be remitted by the Clerk to said Sr. Briant; and that the balance of the proceeds be invested to the best advantage and benefit of the minors. And all signed, with the exception of Sr. Belhumeur, Sr., who stated that he could neither write nor sign.

(Signed): Adam, Briant; Connard; Andry; Ducrée; Gauthraux; Bary.

Homologation and
approval of the
decision of the
family meeting.

the above deliberations of said family meeting, so that they may be carried out according to their form and tenor; wherefore We do order that the sale shall be executed as soon as possible, in conformity with the said deliberations.

Rendered in Our Office on the day, month and year above stated.

(Signed): Delaunay; Delalande; Broutin, Clerk.

November 9.

No. 8285. 3 pp.

On November 8, 1762, before Mr. Louis Piot Delaunay, Councillor of the Superior Council of the Province of Louisiana, Commissioner appointed in this case, in the presence of Mr. Charles Marie Delalande D'Aprenomont, also Councillor of said Council, acting Procureur General of the King, appeared Francois Briant, tutor of the minor children of the late Nicolas Adam called Blondin, who represented that, by virtue of the order

November 8, 1762.—Whereupon, We undersigned, Councillor and Commissioner in this case, and the Procureur General of the King, homologated and do homologate

On November 9, 1762, at nine o'clock in the morning, before Mr. Augustin Chantalou, Assessor of the Superior Council of the Province of Louisiana, Commissioner appointed in this case, and in the presence of

Family Meeting to
select a tutor to the
Poiré minors to
replace Chancelier,
then their tutor.

Mr. Charles Marie Delalande Dapremont, Councillor of said Council and acting Procureur General of the King, appeared Sieur De Berqueville, officer of the colonial troops,

in the name and as husband of Dame Francoise Poiré, daughter of the late Poiré called Chevalier, and of Dame Francoise Lequin-trek. The appearer represented and declared that, by virtue of the order rendered, on his petition, on the fifth of the present month by Mr. Foucault, acting Intendant and First Councillor of said Council, he convened the relatives and friends of the minor children of the said Sieur and Dame Chevalier, for the purpose of selecting a tutor who would be qualified to receive the account of Sieur Chancelier; and the following relatives and friends were summoned by citation served yesterday by Marin Bary, Sheriff:

Sieur Couturier, surgeon, and Sr. Desbordes, both brothers-in-law of said minors; Sr. De la Gautray, Captain of the colonial troops; Du Roullin, officer of said troops; Bauré; Milhet, the elder; and Braquier, the elder: all Militia Officers, residing in this city, and friends of said minors.

They all appeared, with the exception of Mr. De la Gautray, and, having sworn to give a sincere and honest opinion on the selection for which they were assembled, with one accord agreed that Sr. Couturier be tutor, in lieu of Sr. Chancelier, who shall account to Sr. Couturier for the assets of the successions of the minors' parents.

The absentee, Mr. De la Gautray, was ordered to be summoned again.

(Signed): Berqueville; Desbordes; Couturier; Braquier; Boré; J. Milhet; Delalande; Chantalou; Broutin, Clerk.

De la Gautray
appears in the
Registry and
expresses his
opinion in favor
of Couturier as
tutor of Poiré
minors.

November 12, 1762.—On November 12, 1762, at three o'clock in the afternoon, Sr. De la Gautray, Captain of the colonial troops, appeared in the Registry of the Superior Council, and, having examined the petition directed by Sr. De Berqueville

to Mr. Foucault, acting Intendant and First Councillor of the Superior Council, the latter's order at the bottom of said petition, the deliberations of the relatives and friends of the minor children of Sieur and Dame Poiré called Chevalier, expressed his opinion in behalf of Sr. Couturier, as tutor to said minors, in lieu of Sr. Chancelier, who shall give to Sr. Couturier an account of the succession coming to said minors. (Signed): De Lagaubrais.

Deliberations of
family meeting
served on
Chancelier.

November 22, 1762.—Whereupon, We, abovementioned and undersigned Commissioner, and the Procureur General of the King, ordered and do order that the present

deliberations of the relatives and friends of the minors Poiré

called Chevalier, be served on Sr. Chancellier, who shall file his answer at the next session of the Council, when the present case will be called and a decision rendered according to law. New Orleans, November 22, 1762.

(Signed) : Chantalou; Delalande; Broutin, Clerk.

*Homologation of
action of the
family meeting.*

January 7, 1764.—I Request that the aforesaid deliberations of relatives be homologated so that they may be executed according to their form and tenor. New

Orleans, January 7, 1764. (Signed) : Lafreniere.

(Signed, in margin of first page) : Devergés; De Reggio; Ducros.

November 10.

On November 10, 1762, on request of Mr. Alexandre Latil, residing on the Bayou Road, the Royal Notary of the Province of Louisiana, residing in New Orleans, accompanied by the witnesses hereinafter mentioned and undersigned, went to Sr.

Latil's residence and found him sitting in an armchair by the fireplace. To the Notary and to the witnesses he appeared to be ill in body but sound in mind, senses, memory and understanding; and he declared that, lest death take him by surprise, not knowing the moment of its call, he intended to settle his temporal affairs. Having recommended his soul to Almighty God, to the Most Holy Virgin and to St. Alexandre, his good patron saint, he expressed his last desire and will as follows:

After his death he wishes to be buried in the Church of this parish by the side of his first wife, the late Marie Renée De la Chaise, the funeral ceremony to be performed by one priest only;

Item: he declared and dictated, by word of mouth, that he gives and bequeaths to Dame Jeanne Grondel, his wife, in return for the dowry, a house situated in this city, adjoining on one side the property of Mr. De Bellille, and measuring sixty feet front by a depth of one hundred and sixty-eight feet; and also the contents of his dressing-room, as it is;

Item: he also bequeaths to his wife the contents of his furnished bedroom, with the exception of a table with a marble top and mirror, which will be replaced by a chest of drawers, trimmed with engraved silver;

Item: he bequeaths to his child by said Madame Grondel, the plantation he bought from Madame Dauberville, on which there is a crockery factory, situated on the Bayou Road, and where will be found an old negro named Malbrough, and another negro named Joseph L'Africain, about eighteen years old. But the usufruct of the plantation, and of its proceeds, in case it is sold, will go to the mother, until the child will attain the age of

majority; and in case of the child's death, said plantation shall be disposed of by judicial sale, the proceeds whereof to be divided, in equal shares, between his above-mentioned wife and Madame De Bourville, sister of the testator; and Dame De Bourville, in her turn, shall divide said half part in equal shares with her third brother, Jachinte Latill;

Item: he declared and dictated, by word of mouth, that he wants and intends that the six building lots, which he purchased from Sieur Roussillon, by act under private signature, that will be found among other papers and documents in his portfolio, as well as another building lot, adjoining the one he bequeathed to his said wife, and measuring thirty feet front by a depth of one hundred and sixty-eight feet; and also all the remainder of his holdings: his silverware, all his furniture, equipment and implements shall be disposed of by judicial sale, the proceeds whereof to be used to settle his tutorship account, which settlement will be executed in keeping with the integrity and capability of Mr. Delaunay, Councillor, Commissioner appointed in the case. The balance of said proceeds shall be used to pay a promissory note in possession of Mr. Braud for the sum of 16,000 livres; to pay Mr. Roussillon the sum of 14,500 livres, still due, in full settlement for the six pieces of ground hereinabove mentioned; to pay all debts he contracted with divers merchants; to pay the sum of 3500 livres that he owes to the Alibert family of Marseilles, for which there is no note; to pay the sum of 3300 livres for a promissory note, which should be in possession of Mr. Braquier, Sr., merchant of this city;

Item: he declared and dictated, by word of mouth, that, in the event that the said judicial sale should not be productive of enough money to pay the testator's debts, then there should also be judicially sold a negro named Joseph L'Africain and a mulatto named Joseph about six years old; and should any money be left after the settlement of all his obligations, such remaining sum shall be remitted to his said wife, to whom he makes a donation of the same;

Item: he said, declared and dictated, by word of mouth, that he renounces and abandons, so far as the minor children are concerned, all claim that he might have growing out of his first marriage, reserving, however, his claim to a negro girl about six years old, with no parents, who shall remain in his wife's service;

Item: he said, declared and dictated, by word of mouth, that he gives, as an unconditional absolute gift, to Charles Demorand, all his personal linen together with a small English gun, one hunting-knife with silver trimmings, a saddle, an English bridle, a saddle-cloth with gold embroidery; a pair of small pistols with silver trimmings; and one silver sword;

Item: he said and declared that he gives, also as an unconditional absolute gift, to Vincent Chevalier Demorand, a fine musket mounted in silver, and an emerald mounted with two diamonds;

Item: he said and declared that he gives, likewise as an unconditional and absolute gift, to Louis Demorand, a small musket with silver trimmings, one pair of silver shoe-buckles and one pair of silver garters, one pair of gold buttons, and one silver desk set, which is at Sieur Guinault's residence.

These gifts, in behalf of the three Demorand minors, shall be delivered to Mr. De la Chaise, Sr., who will deliver them to the donees when they will be able to make use of the same;

Item: he said and declared that he appeals to Sieur Destréhan, Treasurer in this colony, to be so good as to extend his protection and counsel to his wife and child, at least until the return of his wife's father;

Item: he said, declared and dictated, by word of mouth, that he appoints as his testamentary executor, Mr. Dorville, Captain Aide-Major in this colony, earnestly begging of him to be so good as to accept said appointment, and to carry out the testator's last will, as expressed and explained by these presents.

The present testament, the testator said, does rescind and annul all other testaments, codicils, or donations that he might have made heretofore, as he desires and intends that only the present one should remain and hold good, he having dictated it, word for word, with nobody's constraint and after a long deliberation.

Which testament, having been read and read over again to him, in the presence of the undersigned witnesses, he said and declared that he well understood the whole of it, that it contained his last will, that he had nothing to add to nor to take from it, for the present; and that, should God grant him many more years of life, it will be his care to renew it so that it may remain and hold good.

The whole executed, as aforesaid, in the presence of Messieurs Delahoussaye, Captain and Knight of Saint Louis; and Lavau, officer of the colonial troops, who signed together with the said Sieur Latil and the Notary.

(Signed): Latil; Le Ch'er De Lahoussaye; Laveau; Broutin, Notary.

(Signed, in margin of first page): Devergés; De Reggio; Ducros.

November 11.

2 pp.

Acquittance and
receipt by
Joseph Becat to
Duvergé for a

Before the Royal Notary of the Province of Louisiana, residing in New Orleans, in the presence of the witnesses hereinbelow mentioned and undersigned, appeared Sieur Joseph Becat, entrusted with the recovery of the funds of the Dausseville succession, who confessed and acknowledged having

sum due to the
Dausseville
succession.

received today in cash and in colonial currency from Sieur Duvergé, Mr. Foucault's Secretary, the sum of 39,330 livres, arising from the sale of a house and some negroes and negresses belonging to the succession of the late Barbin, which holdings were sold for the purpose of settling the debt of the Barbin succession to the Dausseville succession; the whole being executed by Mr. Rochemore's order. Sieur Becat acquitted Sr. Duvergé on payment of said sum and promised to have him released by the Dausseville succession and by whomsoever else it might concern.

Passed in New Orleans, on November 11, 1762. Witnesses: Pierre Lavignat and Marin Bary.

(Signed): J. Becat; Lavignat; Bary; Broutin, Notary.

(Signed, in margin of first page): Devergés; De Reggio; Ducros.

November 13.

Marriage Contract executed before the Royal Notary of the Province of Louisiana, residing in New Orleans, between Sieur Jean Adam Frederik, native of the bishopric of Rodemberg in Germany, minor son of Bastien Frederik and of Renée Aidell, dwelling below the English Turn and Demoiselle Genevieve Milhet, minor daughter of the

late Jean Milhet and of the late Louise La Page, being duly authorized by her tutor, Sieur Claude Tauranget, who also appeared and stipulated for said Demoiselle, here present, who signified her consent and satisfaction.

Sr. Frederik assisted by Bastien Frederik, his father; by Renée Aidell, his mother; by Sr. Michel Meilleur; and by André Giraud, shoemaker: all inhabitants of this city. Demoiselle Milhet assisted by Sr. Claude Tauranget, her tutor; by Sr. Felix Sicard; and by Simon Laurent: all residents of this city.

Done and passed in the Notarial Office of this city, on November 13, 1762, at four o'clock in the afternoon, in the presence of Sieurs Marin Bary and Antoine Foucher, competent witnesses.

(Signed): Genevieve Milhet; Felix Sicard, witness; Tourange; Simon; André Giraut; Bary; Foucher; Negrier; Broutin, Notary.

The contracting party, Jean Adam Frederik, his father Bastien Frederik, his mother Renée Aidell, and Michel Meilleur declared that they could neither write nor sign.

(Signed, in margin of first page): Devergés; De Reggio; Ducros.

Release by Jean
Adam Frederik
and his wife to
Claude Tauranget,
her tutor.

November 17, 1762.—Today, November 17, 1762, in the Notarial Office appeared Sieur Jean Adam Frederik and Genevieve Milhet, his wife, duly authorized by him to act herein, who declared and acknowledged to have received this

day from Sieur Claude Tauranget, tutor of said Genevieve Milhet, the sum of 1645 livres, in cash, on account of what is due her; for which sum the said appearers released Sr. Tauranget and promised to have him released also by and towards whomsoever it may concern.

Done and passed on the date above specified, in the presence of Mr. Delalande, Councillor of the Superior Council of this province, acting Procureur General of the King, and of Marin Bary, witnesses, here residing, who signed, after the reading of these presents, with the exception of Jean Adam Frederik and of the said Tauranget, who stated that they did not know how to write nor sign.

(Signed) : Genevieve Milhet; Foucher; Bary; Delalande; Broutin, Notary.

(Signed, in margin of first page) : Devergés; De Reggio; Ducros.

November 13.

No. 8288. 3 pp.

Marriage Contract
between Pierre
Bural and
Marguerite Frederik.

November 13. **Marriage Contract** stipulated before the Royal Notary of the Province of Louisiana, residing in New Orleans, between Sieur Pierre Bural, tailor of this city, native of this parish, bishopric of Quebec, of age, son of the late Guillaume Bural and of Magdeleine Rougé; and Demoiselle Marguerite Frederik, native of the bishopric of Rodemberg in Germany, minor daughter of Bastient Frederik and of Renée Aidell, residing below the English Turn: said parents being present and stipulating for their minor daughter.

Sr. Bural assisted by Sieur Antoine Negrier, his step-father; by said Magdeleine Rougé, his mother; by Michel Meilleur, master shoemaker; and by André Giraud, also shoemaker: all inhabitants of this city. Demoiselle Frederik assisted by her parents, Bastient Frederik and Renée Aidell; by Felix Sicard, merchant of this city; and by Simon Laurent, merchant also of this city.

Executed in the Notarial Office of this city, on November 13, 1762, at three o'clock in the afternoon, in the presence of Sieurs Marin Bary and Antoine Foucher, competent witnesses.

(Signed) : Felix Sicard, witness; Simon; André Giraut; A. Negrier; Bary; Foucher; Broutin, Notary.

The contracting parties, B. Frederik, Renée Aidell, and M. Meilleur declared that they could neither write nor sign.

(Signed, in margin of first page) : Devergés; De Reggio; Ducros.

November 13.

3 pp.

Certified copy
of procuration by
Manuel Martinez
to Cristoval Carta,

November 13. **This Document**, written in Spanish, is a certified copy of an act of procuration, dated at the city and port of San Francisco of Campeche, November 13, 1762. One Manuel Martinez, a resident of that place, grants a full power of attorney to one Cristoval Carta, also a resident of Campeche, who is

both of San Fran-
cisco, Campeche.

about to go to New Orleans. He is named as a special agent to represent the principal's interests in the succession of Diego Argous, for the sale of six boxes of tallow to be sold for the best price in New Orleans, as appears from the certified copy of the annexed invoice. The witnesses to this act are: Francisco Santa Cruz, Nicolas de los Rios and Joseph Raphael Gutierrez. The act was executed before Santiago de los Rios, Notary Public.

The signature of the Notary, Santiago de los Rios, is certified to by Alexandro, Duke of Gorado, Royal and Public Notary; and by Geronimo Higinio de Arauz, Royal Notary.

The document is written on stamped paper of the Spanish colonies.

November 14.

1 p.

Public notice
of judicial sale
of property of
succession of
Nicolas Adam
called Blondin.

To All Whom it may concern: Be it known that, on petition of Sieur Briand, tutor of the minor children of the late Adam Blondin, tomorrow, Monday, at nine o'clock in the morning, there will be sold at judicial sale, to the last and highest bidder, several pieces of furniture, wearing apparel, linen goods, chattels, negroes, negresses, etc., under the supervision of Mr. Delaunay,

Councillor Commissioner appointed in this case, and in the presence of the Procureur General of the King. The sale will be made on the condition that the purchasers pay in cash for whatever may be adjudicated to them. Let everybody take notice of this.

Done at New Orleans, on November 14, 1762.

Read, issued, published and posted at the customary places by the undersigned Sheriff. (Signed) : Lenormand.

November 15.

3 pp.

Judicial sale
of movable
holdings of the
succession of
Nicolas Adam
called Blondin.

On November 15, 1762, at nine o'clock in the morning, by virtue of the order of the Superior Council of the 6th of the present month, granting permit for the judicial sale of the movable holdings and of three-fourths of the landed property situated in this city, belonging to the succession of the late Nicolas Adam called Blondin; and at the request of Sieur Briant, tutor of the

Adam minors:

Messire Louis Piot Delaunay, Councillor of the Superior Council, Commissioner in this case, together with Messire Charles Marie Delalande Dapremont, Councillor also of the Superior Council, acting Procureur General of the King, accompanied by the Clerk and the Sheriff of the said Council, went to the Adam residence for the purpose of proceeding to the sale and adjudication, to the last and highest bidder, of the aforesaid holdings of said succession, which sale had been duly and properly advertised on this very day in every part of the city.

And numerous bidders having gathered there, it was proclaimed by the Sheriff, in a loud and audible voice, that the sale would be made on condition that the buyers should pay the Clerk in cash for their purchases; whereupon the sale was conducted as follows:

First there were put up for sale: one salting-tub, thirteen iron hoops, five bucket-handles, and a heap of scrapiron, and after several bids, the whole was adjudicated to Sieur Jean Baptiste Adam for the sum of 100 livres:	100 — —
Item: one cruet-stand furnished with two oil-flagons, one oil-pitcher with its saucer, six salt-cellars, five Fayence plates, and one sauce-tureen, adjudicated to Sr. Rocquefort for 260 livres:	260 — —
Item: one tackle, one handsaw, and one drainer, adjudicated to Sr. Lambert for 65 livres:	65 — —
Item: one tart-dish, one chafing-dish, one pewter plate, one syringe, two candlesticks, one brass snuffer-tray, one coffee-pot, and an old basin, adjudicated to Sr. Le Normant for 125 livres:	125 — —
Item: one iron chain, a gun, a skewer, and one pair of tongs, adjudicated to Sr. Broutin for 175 livres:	175 — —
Item: thirty-nine empty bottles, and eight flasks also empty, adjudicated to Sr. Lesueur for 90 livres:	90 — —
Item: a hammer, one pair of shears, a wimble, three mattocks, three sickles, one spade, one pair of pinchers, adjudicated to Sr. Broutin for 60 livres:	60 — —
Item: two demijohns, two clay sewer pipes, five oil jars, and a small pot, adjudicated to Sr. Felix Scicard for 150 livres:	150 — —
Item: one pair of brass scales, two iron beams, six pounds of lead bullets, one small copper pan, and three flatirons, adjudicated to Sr. Jean Baptiste Adam for 175 livres:	175 — —
Item: one grindstone with its crank, and one joiner's iron vise, adjudicated to Sr. Favre, carpenter, for 150 livres:	150 — —
Item: one walnut sideboard, adjudicated to Sr. Duvivier for 1000 livres:	1000 — —
Item: one porcelain-framed hand mirror, adjudicated to Sr. Sadous for 140 livres:	140 — —
Item: one walnut chest of drawers with silver trimmings, adjudicated to Sr. Clermont for 519 livres:	519 — —
Item: one walnut armoire, adjudicated to Sr. Duvivier for 1000 livres:	1000 — —

Item: one walnut bedstead, one featherbed, one bolster, one mattress, two curtains, and one calico canopy, adjudicated to Sr. Becat for 1290 livres:	1290 — —
Item: one hollandine mosquito-net with a calico top, adjudicated to Sr. Le Normand for 350 livres: ..	350 — —
Item: an old negro named Michel, about sixty years old, adjudicated to Madame Andry for 3450 livres:	3450 — —
Item: a negress named Julie, about twenty years of age, adjudicated to Sr. A. Olivier for 12,550 livres	12550 — —

This having been accomplished and there being nothing else, belonging to the said succession, to be sold, according to the statement of Sr. Briant, the tutor, the aforesaid Councillor Commissioner ordered the closing of the judicial sale, the total proceeds of which amounted to the sum of 21,649 livres, errors and omissions excepted, which amount was entrusted to the Clerk, who shall give an account of the same to whom it may concern.

(Signed): Marie Adam; Adam; Briant; Delaunay; Lenormand, Delalande; Broutin, Clerk.

Acknowledgment by
Briant, tutor, of
receipt from the
Clerk of funds
belonging to the
succession of Adam
called Blondin.

Clerk, all that he had in his hands, belonging to the said succession. New Orleans, November 24, 1762. (Signed): Briant.

November 15.

11 pp.

Judicial sale of
a house and lot
belonging to the
succession of
Nicolas Adam
called Blondin.

On November 15, 1762, at nine o'clock in the morning, by virtue of the order of the Superior Council of the 6th of the present month, directing that the relatives and friends of the minor children of the late Sieur Nicolas Adam called Blondin be convened before Mr. Delaunay, Councillor of the Superior Council, Commissioner appointed in this case, and in the presence

of the Procureur General of the King, for the purpose of deliberating on the subject matter of the sale of the movable and immovable property of said succession.

Said relatives and friends having been consequently assembled, on the 8th of the present month, before the said Commissioner and the Procureur General of the King, and having decided that the movable and immovable holdings of the succession and the property belonging to the community between the said deceased and the late Dame Margueritte Roy, his wife, should be disposed of as soon as possible by judicial sale; the deliberations

November 24, 1762.—I, the Under-signed, having been empowered and authorized to administer the funds of the Adam succession and to receive the proceeds of the sale of the property of said succession, do hereby declare and acknowledge having received from Sieur Broutin,

of the family meeting having been duly homologated, and the homologation stating that the decisions of the relatives and friends of the Adam minors be carried out according to their form and tenor; the judicial sale having been ordered to be held as soon as possible, and its proceeds to be invested to the minors' best advantage and benefit; on petition of Sieur Francois Louis Briant, in the name of the said minors and as their tutor; and in the presence of Sieur Gilles Alexis Connard, under-tutor, and also of Sr. Jean Baptiste Adam, eldest son of the late Nicolas Adam called Blondin: all residing in this city, Messire Louis Piot Delaunay, Commissioner in the case, accompanied by Messire Charles Marie Delalande Dapremont, acting Procureur General of the King, and accompanied by the Clerk and the Sheriff of the Council, went to the Courthouse for the purpose of receiving the first bids on three-fourths of a lot situated in this city and belonging to the said succession and community, measuring forty-five feet front by a depth of one hundred and fifty feet, upon which stands a frame house with a brick chimney, covered with old shingles, and a separate kitchen; the whole in its present condition, with all appurtenances and servitudes, from top to bottom, with no reservations, situated on St. Peter Street, adjoining on one side the property of Sieurs Lalande and Duvivier, and on the other side the property of Sr. Gaspard, on the following terms: the buyer to pay Sr. Briant in cash, the price of adjudication, together with all judicial costs, before being put in possession.

First auction.

Whereupon Sr. Duvivier offered a bid of 8000 livres; which was raised to 9000 by Sr. Foucher; to 9500 by Sr. Duvivier; to 10,000 by Sr. Marin. And no other bids having been offered, the Councillor Commissioner, with the consent of the Procureur General of the King and of the interested parties, ordered new advertisement to be made, in the customary manner and places on next Sunday, 21st of the present month, so that new bids may be received on the 24th of the present month at nine o'clock in the morning.

(Signed) : Delaunay; Adam; Briant; Lenormand; Delalande; Connard.

Second auction.

November 24, 1762.—The Second auction took place on November 24, 1762, with the following bids: by Sr. Durel, 10,500 livres; by Sr. Marin, 11,000 livres; by Sr. Duvivier, 11,500 livres; by Sr. Marin, 12,000 livres.

(Signed) : Delaunay; Adam; Briant; Lenormand; Delalande; Connard.

Third auction.

November 29, 1762.—The Third auction was conducted on November 29, 1762, at nine o'clock in the morning, with the following bids: by Sr. Drouet called Langevin, 13,000 livres; by Sr. Briant, 15,000 livres; by Sr. Adam Blondain, 16,000; by Sr. Marin, 17,000; by Sr. Briant,

18,000; by Sr. Adam called Blondain, 19,000; by Sr. Broutin, 19,500; by Adam called Blondain, 20,000 livres.

(Signed): Briant; Adam; Delaunay; Lenormand; Connard; Delalande.

Fourth auction. **December 6, 1762.—The Fourth** and final auction was held on December 6, 1762, with the following bids: by Sr. Mietton, 20,025 livres; by Sr. Broutin, 20,500; by Sr. Mietton, 20,600; by Sr. Broutin, 20,650; by Sr. Mietton, 20,700; by Sr. Broutin, 21,000; by Sr. Mietton, 21,050; by Sr. Broutin, 21,100; by Sr. Mietton, 21,150; by Sr. Broutin, 21,400; by Sr. Mietton, 21,450; by Sr. Broutin, 21,500; and by Sr. Mietton, 21,550 livres. And having waited until mid-day, without receiving any higher bid, the Councillor Commissioner, with the consent of the Procureur General of the King and of the interested parties, adjudicated, unconditionally and definitively, the above described property to Sr. Mietton, as the last and highest bidder, for the said sum of 21,550 livres, which he promised to pay at once to Sr. Briant, together with the costs of the sale, which he promised to pay immediately to the Clerk: by means whereof he will remain the lawful and true owner of the said property, having been put in possession of the same by the Clerk.

Executed at the Courthouse, on the day, month and year above stated.

(Signed): Briant; Adam; Delaunay; Connard; Delalande; Lenormand; Broutin, Clerk.

Sr. Mietton declared that he could neither write nor sign.

Each page of document is paraphed at top and bottom.

November 15.

No. 8289. 2 pp.

Obligation by
Valentin Jautard
to Guillaume
Lemoigne, for
hire of slaves.

Before the Royal Notary of Pointe Coupée appeared Sieur Valentin Jautard, inhabitant of this Post, who voluntarily stated and acknowledged that he was indebted to Sr. Guillaume Lemoigne, who also appeared and expressed his approval, for the sum of 3600 livres, as wages for slaves that he hired from Sr. Lemoigne, which sum Sr.

Jautard promised to pay to Sr. Lemoigne within one year from the date of these presents, in currency that will then be in circulation as legal tender in this colony, and for which he furnished security on his movable and immovable, present and future, property.

Done and passed on November 15, 1762, in the presence of M. Roujeau and Francois Marcantell, competent witnesses, residing in said Post.

(Signed): V. Jautard; Marcantell; Roujot; Benoist, Notary.
Sr. Lemoigne stated that he could neither write nor sign.

Discharge by
Guillaume Lemoine
to Madame Fournau,
acting for her husband,
Valentin Jautard, for
the above obligation.

Fournau, in the name and as attorney of Sieur Sautar (Jautard), her husband, the sum of 3600 livres, representing the obligation drawn up on the other side of this page; whereupon Sr. Le Moine acquitted Dame Fournau, as representative of her husband, in whose name she was acting.

Executed on April 26, 1763, in the presence of Sieurs Pierre Ricard and Ayme Roujot, witnesses.

(Signed) : Ricard; Joujot; Benoist, Notary.

Sr. Lemoine declared that he could neither write nor sign.

(Signed, in margin of first page) : Devergés; De Reggio; Ducros.

November 20.

No. 8290. 3 pp.

Sale of schooner
"Sainte Brigitte"
by Captain Pierre
St. Martin to Jean
Villeneuve, for
16,000 livres.

Before the Royal Notary of the Province of Louisiana, residing in New Orleans, personally appeared Sieur Pierre St. Martin, Captain of the schooner "Sainte Brigitte" of the Cap (Cap Francais, Santo Domingo), at present in this city; who, by these presents, stated and acknowledged having, this day, sold and transferred to Sieur Jean Ville Neuve, also present, master ship-carpenter of this city, the schooner named "Sainte Brigitte du Cap", in the condition that she is at present as she lies in the River, at this city of New Orleans, together with all her rigging, sails, tackle, yards, guns, and other equipment, according to the inventory signed by said St. Martin and delivered by him to said Sr. Ville Neuve, who signified his acceptance and satisfaction, having visited said schooner and having seen and examined everything. The present sale was agreed upon for the sum of 16,000 livres, in colonial currency, that the purchaser promised to pay to the vendor within two months from the present date, in security whereof he offered a mortgage on all his property, movable and immovable, present and future.

Done and passed in the Notarial Office of this city, on November 20, 1762, in the morning, in the presence of Sieurs Marin Bary and Antoine Foucher, competent witnesses, residing in this city.

(Signed) : Saint Martin; Bary; Foucher; Broutin, Notary.

Jean Ville Neuve stated that he could neither write nor sign.

Release from above
obligation, by
Pierre St. Martin
to Jean Ville Neuve.

December 15, 1762.—Today, December 15, 1762, in the Notarial Office of this city, personally appeared Sieur Pierre Saint Martin, Captain of the schooner "Sainte

Brigitte du Cap", who acknowledged to have received in cash from Sieur Jean Villeneuve the sum of 16,000 livres, as the price for the said schooner, sold on November 20th last to Sr. Ville-neuve by Sr. Saint Martin, who acquitted him and promised to have him acquitted also by and towards whomsoever it may concern.

Done and passed in New Orleans, on the date above stated, in the presence of Sieurs Marin Bary and Antoine Foucher, competent witnesses, residing here.

(Signed) : Saint Martin; Bary; Foucher; Broutin, Notary.

(Signed, in margin of first page) : Devergés; De Reggio; Ducros.

November 22.

No. 8291. 2 pp.

Discharge by
Marie Anne
Daublin to
Pierre Raby.

Received in cash from Sieur Pierre Raby, merchant cutler of this city, the sum of 686 livres, coming to her from the succession of her late father; for which sum she discharged Sr. Raby and promised to have him acquitted towards and by whomsoever it may concern.

Done and passed in New Orleans, on the day, month and year above specified, in the presence of Sieurs Marin Bary and Antoine Foucher, competent witnesses.

(Signed) : Bary; Foucher; Broutin, Notary.

Madame Daublin stated that she could neither write nor sign.

(Signed, in margin of first page) : Devergés; De Reggio; Ducros.

November 22.

No. 8292. 11 pp.

Petition to the
Superior Council
by Francois
Philippe De Boyer
called Maillard,
for homologation
of the will of
Sebastien Chandelier
called Chataulin.

**Petition to Our Lords of the Superior Council
of the Province of Louisiana:**

The undersigned, Francois Philippe De Boyer called Maillard, Corporal in the colonial troops, has the honor to represent: That he inherited a piece of ground, and a negro boy named Lajoye, from Sebastien Chandelier called Chataulin, on condition that he should pay, within one year from the death of said Chataulin, to his testa-

mentary executor, the sum of 750 livres, to be remitted to the testator's two sisters, to whom the latter made a donation of said sum; that the petitioner is ready to make remittance of the said sum, in compliance with Chataulin's testament, passed before Mr. Chantalou, Notary, on November 15, 1757, a copy whereof is

hereto annexed; that he learned that Chataulin's death happened seven years ago; and concludes: That it may please You, Our Lords, to probate the said testament so that it may be given full effect; and you will render justice. New Orleans, November 6, 1762. (Signed): De Boyer de Mailhac.

Certified copy
of Chandelier's
will, giving the
clauses making
bequest to De
Boyer; annexed
to petition.

July 8, 1762.—Copy of Extract of Chandelier's testament, which was certified to by Broutin, Notary, on July 8, 1762:

Item: he said and declared that he gives and bequeaths the ground and the house built upon it, it being the one in which he

(the testator) lives, together with all the servitudes, dependencies and appurtenances, and also with all its furniture, to Sieur Francois Philippe De Boyer called Maillard, Corporal in the Darrasola's Company of the colonial troops, for the good services he received from him.

Item: he gives and bequeaths to the said Sieur Philippe De Boyer called Maillard, his negro called Lajoye; upon condition that he shall remit, to his aforesaid executor, within one year from his (testator's) decease, the sum of 750 livres, to be remitted to his (testator's) two abovementioned sisters, to whom he donates same; etc.

Copy, conformably to the original, delivered to Marie, free mulattress. New Orleans, July 8, 1762. (Signed): Broutin, Notary.

Homologation of
Chandelier's
testament.

November 6, 1762.—Having read the extract of the testament and the donations therein contained; and having heard the conclusions of the Procureur General of the

King, the Council homologated and does homologate the said testament so that it may be given its full and complete effect.

Given in the Council-chamber, on November 6, 1762.

(Signed): Kerlérec; Foucault; Macarty; Fremeur; Huchet de Kernion; Delaunay; Lessassier; Chantalou; Delachaise; Delalande.

De Boyer's petition
to Foucault for
permit to sell the
house and lot in
New Orleans.

October 8, 1762.—Petition to Monsieur Foucault, Commissioner of the Marine, Intendant of the Province of Louisiana:

Very humbly prays Francois Boyer Maillac, representing that he is in possession of a piece of ground measuring sixty feet front by a depth of one hundred and twenty feet, situated in this city at the corner of Dumaine and Burgundy streets, on which stands a house and a shed; and that it may please Your Excellency to grant permission for the sale of said property, following the observance of the customary formalities. And you will do justice. New Orleans, October 8, 1762.

(Signed): De Boyer de Mailhac.

Permit granted.

October 8, 1762.—Permission to sell is granted, upon compliance with all formalities. New Orleans, October 8, 1762.

(Signed) : Foucault.

Publication of notice of the proposed sale.

Advertisement and publication at the door of the Church and of the Courthouse for three successive Sundays, on October 10th, 17th and 24th, by the Sheriff.

(Signed) : Lenormand.

Contract of sale of above property by Francois Philippe de Boyer called Maillard to Marie called Chataulin, a free mulattress.

November 22, 1762.—Before the Royal Notary of the Province of Louisiana, residing in New Orleans, personally appeared, on one side, Sieur Francois Philippe de Boyer called Maillard, corporal of the detached Marine Troops in this colony, garrisoned in this city; and, on the other side,

one Marie called Chataulin, free mulattress, residing in this city.

Sieur de Boyer called Maillard, by these presents, declared and acknowledged having sold and transferred to the said Marie called Chataulin, free mulattress, who signified her acceptance, a piece of ground measuring sixty feet front by a depth of one hundred and twenty feet, situated at the corner of Dumaine and Burgundy streets, adjoining on one side the property of Brindamour, and that of Marianne, free negress, on the other side; on which ground stand a frame house and a shed.

The vendor warranted and guaranteed the property free from all mortgages and all encumbrances and obstacles whatsoever; and the purchaser declared being content with everything, having visited and examined the whole property, which was acquired by the vendor as a bequest of the late Sebastien Chandelier, according to the latter's testament drawn up by Mr. Chantalou, Notary, on November 15, 1757, and duly homologated by the Court on the 6th of the present month, a certified copy whereof was delivered to the purchaser.

The sale was made by virtue of the order of Mr. Foucault, acting Commissioner of the Marine, Intendant and First Judge of the Superior Council of this province, following the required publication and advertisement by Marin Lenormand, Sheriff; and was agreed upon for the sum of 10,750 livres, which the vendor confessed and acknowledged having received in cash from the purchaser, to whom he granted hereby a full release. In addition to the payment of said price, the purchaser assumed the obligation of paying to the heirs of the said late Chataulin, or to their attorney, the sum of 750 livres, in compliance with the aforesaid testament, placing herself, in that respect, in Sieur Maillard's lieu; in security whereof she granted a mortgage on all her property, present and future, movable and immovable; and especially on the piece of ground and buildings thereon, which are the object of the

present sale, and which can neither be sold nor mortgaged until the full payment of said sum has been made.

Done and passed in the Notarial Office of this city, on November 22, 1762, in the afternoon, in the presence of Sieurs Marin Le Normand and Antoine Foucher, competent witnesses, here residing.

(Signed) : De Boyer de Maillha; Marie; Foucher; Lenormand; Broutin, Notary.

(Signed, in margin of first page) ; Devergés; De Reggio; Ducros.

November 27.

No. 8295. 1 p.

Discharge by
Chapron to
Garic, Clerk.

I Received from Mr. Garic, Clerk, a note signed by Sieur Maxant, who assumed the obligation of supplying Sieur Chapron with a negress to be delivered to Sieur Delisle, subject to the latter's approval, said note being dated November 27, 1762. Consequently the Clerk is lawfully and duly acquitted. (Signed) : Chapron.

(Signed, in margin) : Devergés; De Reggio; Ducros.

November 29.

No. 8296. 2 pp.

Sale of a negress
for 17,500 livres
and a mulatto girl
for 4000 livres by
Benoist Payen de
Chavoye to André
Jung.

Before the Royal Notary of the Province of Louisiana, residing in this city, personally appeared Monsieur Benoist Payen de Chavoye, Knight of the Royal and Military Order of St. Louis, Captain of a company of the detached Marine Troops garrisoned in this city, where he resides, who declared, by these presents, that this day he sold and transferred, from this moment and forever, with warranty from all troubles, impedi-

ments and obstacles, to Sieur André Jung, Officer of the Militia of this city, who also appeared and signified his acceptance, a negress named Jeanne, about thirty years old, which was delivered today by the vendor to the purchaser. The sale was agreed upon for the sum of 17,500 livres, that Sr. Jung paid at present in cash to Sr. D'Echavoy, in notes of colonial currency, and received valid discharge.

Moreover, said Sr. D'Echavoy, at this same time, and by these presents, sold to said Sr. Jung, with promise to deliver within two years from this date, a mulattress named Margueritte, from fourteen to fifteen years old, daughter of the negress Jeanne above-mentioned, for the sum of 4000 livres, which Sr. Jung promised to pay, in money used as legal tender in this colony, upon delivery of the said mulattress; it being understood that if she should die before such delivery, the loss shall be entirely Sieur D'Echavoy's, who will have no claim whatsoever against Sr. Jung.

Executed in the Notarial Office of this city, in the afternoon, in the presence of Sieurs Antoine Foucher and Marin Bary, competent witnesses, residing here.

(Signed) : Chavoy; Bary; Jung; Foucher; Broutin, Notary.

(Signed, in margin of first page) : Devergés; De Reggio; Ducros.

(Translator's Note: The 17,500 livres stated above is the highest price thus far noted in the documents of any slave. It is equivalent to \$3500, if the livre is rated at its original value of twenty cents; but it is known that the colonial currency was substantially depreciated at that time.

It is interesting to note the various spellings of a proper name: Chavoy, Chavoye, De Chavoye, D'Echavoye, Chavoie, De Chavoie.—G.L.)

November 29.

6 pp.

Advertisement of
judicial sale of
a house and lot
belonging to the
succession of
Nicolas Adam
called Blondin.

all appurtenances and servitudes, situated on St. Peter Street of this city, between the properties of Sr. Gaspart on one side and of Sr. Duvivier on the other side. Terms of sale: cash payment with all costs of the sale.

Posted at the customary places as required by law, on the said day, month and year. (Signed) : Lenormand.

Similar advertisement follows on November 21st and 29th, and on December 5, 1762, concerning the second, third and fourth auctions, respectively. (All signed) : Lenormand.

November 29.

3 pp.

Petition to Foucault
by Louis Michel
Antoine Grenoue De
Flottemanville for
citation of Duparquier,
as tutor of the minor
children of Latiolais,
for the purpose of re-
covering a sum due for
bread and biscuit by
late Latiolais to
Barbin, first husband
of Dame Deflotte-
manville.

sums, had asked Sr. Duparquier, as tutor of the minor children and heirs of the deceased Latiolais, for the payment of said bills; that Sr. Duparquier answered that Latiolais' written acknowledgments were prescribed and that he intended to avail himself

Following the homologation of the deliberations of the family meeting, on request of Sieur Briant, tutor for the Adam minors, notice is given to all whom it may concern, that at the Registry of the Superior Council, on November 14, 1762, will take place the first offering at auction of a piece of ground, measuring three-fourths (forty-five feet) front by a depth of one hundred and fifty feet, with a house and kitchen thereon, with

of this defense; wherefore the petitioner prays that he be allowed to have said Sr. Duparquier cited at the next session of the Superior Council.

New Orleans, November 29, 1762. (Signed): Deflottemanville.

Permit granted. **November 30, 1762.**—Permit to cite granted. New Orleans, November 30, 1762.

(Signed): Foucault.

Notice served on
Duparquier.

December 20, 1762.—On December 20, 1762, on petition of Sr. Deflottemanville, living on his plantation, where he has taken up his domicile, notice was served on Sr. Duparquier, residing in this city, to appear before the Superior Council, at its next session, on Saturday, January 14, 1763, at eight o'clock in the morning, by Lenormand, Sheriff.

(Signed): Lenormand.

Duparquier's answer
to the petition of
Deflottemanville.

January 4, 1763.—Defense addressed to their Excellencies of the Superior Council by Sr. Duparquier, representing that Mr. Deflottemanville had cited him for the purpose of obtaining payment for a certain quantity of bread and biscuit, such payment being due for twenty years by the late Sr. Latiolais to the late Sr. Barbin, first husband of Madame de Flottemanville; that Mr. Latiolais, at that time, was in command of a vessel belonging to the King, and that Sr. Barbin was then warehousekeeper for the King at La Balize, where Mr. Latiolais used to take from the King's store supplies of food for his crew and, upon his return to New Orleans, the place of his residence, he gave Sr. Barbin credit for what he had received at La Balize; wherefore the Latiolais succession is not responsible for this claim; that Mr. Barbin must have entered said expenses in his account with the King; for, if he had not done so, he would have endeavored to collect said payment, because he lived several years subsequent to the date of the said written acknowledgments; or, at the time of his death, his widow or the heirs would have claimed such payment, while Mr. Latiolais was still living; but, in fact, Mr. Barbin and his heirs have considered the said written acknowledgments as documents of no value.

Therefore, the petitioner's prayer is that Sr. Deflottemanville's claim be rejected, and the written acknowledgments of Mr. Latiolais be declared null and void, having lost all value on account of prescription. Costs to be borne by Sr. Deflottemanville.

New Orleans, Janaury 4, 1763. (Signed): Duparquier.

Part of the document is in bad condition.

December 3.

No. 8298. 2 pp.

Partnership contract
between Pierre

On This Day, December 3, 1762, at nine o'clock in the morning, before the Royal Notary of the Province of Louisiana, residing in New Orleans, in the presence of the witnesses hereinafter named and under-

Tronquette called
La Rose and Jean
Villeneuve.

signed, personally appeared Sieur Pierre Tronquette called La Rose, inhabitant of this colony; and Sieur Jean Villeneuve, master ship-carpenter; who both declared that they had reached the following partnership agreement:

Tronquette will furnish a six-arpent plantation, which he bought from Sr. Francois Chalais, by act passed this day before the undersigned Notary, situated about half a league below the English Turn, on this side of the River, and will furnish also a cow and an eight-months-old heifer, said land and cattle representing his contribution to the partnership with the said Villeneuve, who will furnish, for his share, ten horned cattle, to wit: four cows, two two-year-old bulls, three one-year-old bulls, and one four-months old heifer; the said Villeneuve will also furnish two female goats and one male goat: the whole to be placed on said plantation within three years from the present date. Said plantation, with its cabins, and all else standing upon it, and all the said cattle, shall become, from this day, the joint property, from top to bottom, of the two contracting parties; therefore Villeneuve shall become the owner of half the plantation and Tronquette shall become the owner of half the cattle. Tronquette binds himself to build, at his expense, during the first year, one pen for cattle; and, should it become necessary, during the next three years, to build some enclosures or fences, or to dig drainage ditches, or to do any repairs to the levee and to the plantation, this shall all be done at the expense of the partnership.

Tronquette promised and obligated himself to reside on the plantation and to direct all his attention to the good care and to the preservation of the cattle and of the plantation; Sr. Villeneuve promised and obligated himself to furnish Tronquette each year with twelve quarters of rice and its straw. The present partnership cannot be dissolved, for any cause, for the period of three years; and all this was agreed upon by the contracting parties.

Executed in the Notarial Office of this city, on the date above specified. Witnesses: Marin Bary and Antoine Foucher.

(Signed) : Bary; Foucher; Broutin, Notary.

The contracting parties declared that they could neither write nor sign.

(Signed, in margin of first page) : Devergés; De Reggio; Ducros.

December 4.

2 pp.

Petition of Joseph
Becat, acting under
procuration of Amelot
Du Hautmanoir and

Petition to the Lords of the Superior Council
by Joseph Becat, acting under procuration
of Sieur Amelot Du Hautmanoir and of
Sieur Pierre Bernard Becat, his brother,
heir of the late Demoiselle Amiault Dauze-
ville, sister and heiress, under benefit of in-

Pierre Bernard Becat,
to compel De Flottemanville to submit his
vouchers in the matter of the succession
of Amiault Dauzeville,
who has been dead
for twenty years.

ventory, of the late Sieur Amiault Dauzeville, who died in this colony; the said petitioner representing: That the succession has been vacant for twenty years, and that the attorneys, formerly appointed, had never been able to obtain an accounting, with vouchers, either from the late Sieur

Barbin, former Attorney for Vacant Estates, or from Sieur Flottemanville, trustee of Barbin's affairs; that the petitioner was forced to come to this colony for the purpose of settling said succession, which otherwise would never come to any conclusion; that he had already notified Sieur Flottemanville of his power of attorney, by means of a petition addressed to Monsieur the Intendant, to which petition Sr. Flottemanville failed to give a response; that for a second time he caused Sr. Flottemanville to be summoned to render an account with vouchers to Monsieur De Launay, Councillor, appointed Commissioner in the case, by an order of Monsieur the Intendant, asking that in default of his so doing, Sr. Flottemanville be condemned to settle the succession and pay costs, expenses, interest and compound interest, which summons Sr. Flottemanville again disregarded.

Therefore, considering all this, the petitioner prays that it may please the Lords of the Superior Council to order Sr. Flottemanville to pay the petitioner what is still due from the succession, to remit in the same specie as received, together with all costs, expenses, interest and compound interest, in accordance with the sale that was effected, and to deliver in kind what had not been sold, or to remit according to the appraisement that had been made, and as it is shown by the inventory. And justice will be done.

New Orleans, December 4, 1762. (Signed): Jh. Becat.

Petition submitted
to Foucault.

The Council submitted the present petition to Monsieur Foucault, so that justice might be done. By order of the Council.

(Signed): Broutin, Clerk.

December 4.

No. 8300. 4 pp.

Opposition of Boré,
tutor to the minor
children of Joseph
Carriere, to the demand
of the heirs of age
for sale of landed
property of said
succession.

Extract from the Records of the Superior Council: Session of December 4, 1762:

The Superior Council of the Province of Louisiana, having considered the petition of even date of Sieur Boré, tutor of the minor children of the late Joseph Carriere, representing: That in his capacity of tutor he had been entrusted with the administration of the Carriere succession; that by virtue of a verbal lease passed between the

said Joseph Carriere and two of his sons, the latter were to deliver to him, for each year during which they were in possession of a

certain tract of land, twenty cords of wood, twenty quarters of corn, and four hundred livres in colonial currency; that after he had taken charge of the succession he assembled all the heirs, of whom he asked whether they had any knowledge of such a lease having been made by their deceased father in behalf of their said two brothers, and what was their feeling in the matter; that they answered that they had knowledge of the matter and expressed their consent to let their two brothers have the benefit of the property during the whole year, in consideration of the sowing made and of the expenses incurred on the property, so that they might be able to keep their engagements; that, consequently, in his capacity of tutor, having been authorized to that effect by the heirs, he ratified said lease; that, as the specified term of one year was drawing near its close, the heirs of age are asking for the sale of the property and the division of the proceeds;

That in his capacity of tutor he opposes the sale of said property for the following reasons: first, that the law does not permit the partition of immovable property so long as there are some minors; secondly, that under the present circumstances, the minors would be prejudiced if the request of their brothers of age is granted; thirdly, that the said tract of land is of substantial extent and calculated to provide each of the heirs with an income of from 1000 to 1200 livres per year; that, all this being considered, the petitioner requests that it may please the Council to allow him to convene a family meeting of relatives and friends to deliberate on the matter, unless the Council, in order to expedite the case, chooses to render a decision whereby, disregarding the demands of the Carriere heirs of age, they authorize the petitioner to lease the property in question, by following all the required formalities, and under the supervision of a Commissioner appointed to that effect.

The Council orders
a family meeting
to decide on the
above matter.

The Council, having heard the conclusions of the Procureur General of the King, ordered and does order that a family meeting of relatives and friends be convened before

Messire De Kernion, Commissioner ap-

pointed in this case, in the presence of the Procureur General of the King, for the purpose of reaching such conclusions as it shall see fit.

Rendered in the Council-chamber, at New Orleans, on December 4, 1762. Received twenty livres. Paraphed by Broutin.

For the Council. (Signed) : Broutin, Clerk.

Notice served of
family meeting.

December 6, 1762.—On December 6, 1762, by virtue of the order hereinabove given, and on request of Sieur Boré, tutor of the minor children of the late Sr. Joseph Carriere, Marin Lenormand, Sheriff of the Superior Council, summoned the following relatives and friends of the said minors:

Mr. de Macarty, Knight of the Royal and Military Order of St. Louis, Lieutenant of the King, uncle by marriage of said minors; Mr. De Lavergne, Commandant of the Fort at the English Turn, cousin by marriage of said minors; Mr. Trudeau, Infantry Captain, cousin of the minors; Mr. Chaperon, inhabitant of this city, cousin of the minors; Mr. Faucher, brother-in-law of the minors; Mr. De Launay, Councillor of the Superior Council, friend of the said minors; Mr. Le Sassier, Councillor of the Superior Council, friend of the said minors; Mr. de Caüe, friend of the minors: to appear tomorrow, Tuesday, at nine o'clock in the morning, at the Registry of the Superior Council, before Mr. de Kernion, Councillor Commissioner in the case, in the presence of the Procureur General of the King, to express their advice in reference to the aforesaid order.

(Signed) : Lenormand.

December 6.

4 pp.

Uncertified and unsigned copy, relative to the judicial sale of the city property belonging to the succession of Nicolas Adam called Blondin.

Louis, by the Grace of God, King of France and Navarre, to all who will read these presents, greetings: Be it known, etc.

This document presents the whole procedure that has been followed in the judicial sale of the property belonging to the succession of the late Nicolas Adam called Blondin, situated on St. Peter Street and measuring forty-five feet front by a depth of one hundred and fifty feet, with a house and a kitchen thereon, which was adjudicated, at the fourth auction, to Sieur Mietton, for the sum of 21,550 livres. The said fourth auction took place on December 6, 1762, but all the original documents in the case were included in one folder, and were presented under the date of November 15, 1762. The paper found in the folder for the month of December, 1762, is an uncertified copy, with no signatures, and shows one paraph at the bottom of the first page.

December 6.

No. 8301. 3 pp.

Exchange of real estate in Pointe Coupée between Jacques Hallays de Verdrot and René Legué called Leveillé.

Before the Notary of Pointe Coupée, in the presence of the witnesses hereinbelow named and undersigned, personally appeared Sieur Jacques Halay de Verdrot, residing at present at the Post of Pointe Coupée, on one side; and Sieur Renée Legué called Leveillé, Sergeant of the detached Marine Troops, garrisoned at this Post, and his wife, Catherine Olive, whom he duly authorized to act herein, on the other side.

The said appearers of both sides declared that they had reached the following agreement of exchange and permutation, with mutual warranty against all troubles and encumbrances:

Sr. Jacques Alay (Hallays) relinquished and transferred to René Legué and his wife, who signified their acceptance, a tract

of land measuring twenty-six arpents front, by the customary depth, situated on False River, with a frame house covered with shingles and furnished with a mud-and-stick chimney; and also a cart-shed and a poultry-house; adjoining on one side the property of the children of the late Sieur Langevin and on the other side the property of Sieur Jean L'Abbée; the said property belonging to Sr. Halé (Hallays), who bought it from Sieur Francois Mance and Sieur George Baron and their wives, as per contract passed before the undersigned Notary; and, in exchange, René Legué and his wife conveyed and delivered to Sr. Halay (Hallays), who expressed his acceptance, a certain tract of land, measuring two arpents frontage by the usual depth, with an old frame house, a shed, a store, and a cabin, adjoining on one side the property of George Olive and on the other side the property of Francois Bonnaventure; which property belongs to Legué and his wife, they having purchased it from Pierre Ducoste, Magdeleine Cabre, his wife, and the heirs of the late George Olive, as per contract duly passed before the undersigned Notary.

The said exchange was made on condition that René Legué and his wife pay to Sr. Halay (Hallays) the sum of 1500 livres, which payment may also be made in silver piastres at the rate of five livres per silver piastre; and for which they furnished security on all their property, present and future, movable and immovable.

Executed at the said Post, on December 6, 1762, in the afternoon, in the presence of Eme Roujot and Francois Marcantell, witnesses.

(Signed): J. Hallays; Legué; Marcantell; Roujot; Benoist, Notary.

Legué's wife stated that she could neither write nor sign.

(Signed, in margin of first page): Devergés; De Reggio; Ducros.

(Translator's Note: The name of the contracting party who signs as "Hallays" is spelled in the document as: Halay, Alay, Halé.—G.L.)

December 7.

No. 8302. 2 pp.

Lease of a house
by Pierre Mioton
to Jean Baptiste
Adam.

By These presents Sieur Pierre Mioton leased a house, that he had just bought from the succession of the late Nicolas Adam called Blondin, to Sieur Jean Baptiste Adam, for the term of one year, to start from the 15th of the present month, for the sum of 1440 livres, which Sr. Adam promised to pay in twelve monthly installments of one hundred and twenty livres each.

Sieur Mioton reserved for himself half of the garden in the rear of the property, and obligated himself to furnish, by the 15th of this month, all the necessary repairs to the house, so as to make it habitable, that is, to have all the walls done over with plaster

and painted, to have all the doors and windows repaired, as well as the stairs and the fences, according to the agreement reached by the contracting parties.

Done and passed in New Orleans on December 7, 1762, before the Royal Notary of the Province of Louisiana, residing in New Orleans, in the presence of Sieurs Marin Bary and Antoine Foucher, competent witnesses, who signed, after the reading of these presents, together with Sr. Adam and the Notary, while Sr. Mioton declared that he could neither write nor sign.

(Signed) : Adam; Bary; Foucher; Broutin, Notary.

(Signed, in margin of first page) : Devergés; De Reggio; Ducros.

December 7.

No. 8303. 3 pp.

Compromise settlement and discharge between Pierre Marquis and wife and Francois Pascalis De la Barre and wife, on one side, and Jean Baptiste Thibault de Guetlin, on the other side, in regard to the succession of Catherine Vollant.

Before the Royal Notary of the Province of Louisiana, residing in New Orleans, personally appeared, on one side, Mr. Pierre Marquis, Lieutenant of the Swiss Company of the De Hallwill Regiment garrisoned in this city; with Dame Constance Vollant, his wife, duly authorized by her said husband; and Mr. Francois Pascalis De la Barre, Captain of the Coastguard in this colony, with Dame Charlotte Vollant, his wife, duly authorized by her said husband to act herein; on the other side, Mr. Jean Baptiste Thibault de Guetlin, Lieutenant in said Swiss Company, widower of Dame Catherine Vollant, who died recently in Mobile.

Sieur Marquis and Sieur De la Barre, by these presents, declared and acknowledged to have received from Sieur de Guetlin the sum of 40,000 livres, in currency of this colony, coming from the succession of his late wife; and they granted him, in their own and their wives' names, a general release, promising to have him acquitted also by and towards whomsoever else it may concern, for all holdings, rights, and anything else the said Sieur de Guetlin might have obtained from his deceased wife. Sieurs Marquis and De la Barre assumed also the payment of all debts and obligations of the succession of Dame de Guetlin; and Sr. de Guetlin waived all claims and pretensions against the said succession. The present agreement was reached by the contracting parties for the purpose of putting an end to issues between them by the payment of said sum of 40,000 livres above set forth.

Done and passed in this city, in the presence of Sieurs Marin Bary and Antoine Foucher, competent witnesses.

(Signed) : P. Marquis; Pascalis de Labarre; Charlotte Volant Delabarre; Constance Marquis; Guetlin; Bary; Foucher, Broutin, Notary.

(Signed, in margin of first page) : Devergés, De Reggio; Ducros.

December 7.

No. 8304. 1 p.

Protest of four of the Carrière heirs against the proceedings of the family meeting called to decide on the question of selling the real estate belonging to the succession of their father, Joseph Carrière.

This Day, at eleven o'clock in the morning, appeared in the Registry of the Superior Council Sieurs André Carrière, Louis Carrière, Jacques Carrière, all of age, and Mathurin Carrière, minor: all sons of the late Joseph Carrière, who, by these presents, expressed their opposition to and protested against the deliberations of the family meeting of relatives and friends, held this morning at nine o'clock, as being prejudicial to their interests, and because the said meeting had not been convened

according to the forms of law, because the Commissioner appointed in the case was not present on account of sickness; wherefore the appearers pray that the deliberations of the said family meeting be set aside. Upon request a copy of the present petition was delivered to the said appearers.

(Signed) : A. Carriere; L. Carriere; J. Carriere; M. Carriere; Broutin, Clerk.

December 7.

No. 8305. 3 pp.

Family Meeting called to decide the matter of the sale of the real estate belonging to the Joseph Carrière succession.

On December 7, 1762, before Me, Jean Francois Huchet de Kernion, Councillor of the Superior Council, Commissioner appointed in this case, and in the presence of Mr. Charles Marie Delalande D'Apremont, Councillor also of said Council, acting Procureur General of the King, personally appeared Sieur Louis Boré, Officer of the Militia, in the name and as tutor of the

minor children of the late Joseph Carriere, in his lifetime inhabitant of this city; which appearer represented that, by virtue of the order rendered on his petition by the Superior Council on the 4th of the present month, he convened a family meeting of the relatives and friends of the said minors, to determine what should be done with reference to the property of the Carriere succession; that, accordingly, he caused notice to be served yesterday by Marin Lenormand, Sheriff, upon the following persons:

Mr. De Macarty, Knight of the Royal and Military Order of St. Louis, acting Lieutenant of the King, uncle by marriage of the said minors; Mr. De la Vergne, half-pay Captain, Commandant of Fort St. Leon, cousin by marriage; Mr. Trudeau, Captain of the Colonial Troops, cousin by marriage; Mr. Chaperon, cousin; Mr. Foucher, under-tutor and brother-in-law of said minors; Mr. Delaunay, Councillor of the Superior Council; Mr. Lesassier, Councillor Assessor of the said Council; and Mr. De Caüe; friends of said minors, all residing in this city; who, having promised, under oath, to give a conscientious and sincere opinion on the matter, expressed their mind as follows:

Messire Demacarty is of opinion that if it is not possible to give a negro to the heirs of age, the whole estate should be preserved and judicially leased; he also advises that the minors be emancipated. (Signed) : Macarty.

Mr. Delavergne thinks that all the estate should be leased; that the minors should be emancipated; that the heirs of age, who had received in advance some of their inheritance, shall keep for their own account and at their own risk the negroes given them; and that, in the interest of the minors, an account should be kept by the brothers of age of the wages of the negroes which are hired out, in order to determine their value. (Signed) : Lavergne.

Mr. Trudeau confirms the advice expressed by Mr. Lavergne. (Signed) : Trudeau.

Sieur Chaperon is of the same opinion as Mr. Lavergne, and he declared that he is not able to write and sign.

Mr. De Caüe believes that all the landed property and the negroes appertaining thereto should be leased until the minors will be of age and able to come to a partition; and that the brothers of age, who have received in advance a part of their inheritance, shall keep an account of it. He advises also the emancipation of the minors, so that they may enjoy the share coming to them out of the revenue. (Signed) : Caüe.

Mr. Delaunay is of opinion that all the holdings of the succession should be leased; and that, out of the revenue of the plantation, each heir be given his share, until they will be able to effect a partition. (Signed) : Delaunay.

Mr. Lesassier says that the estate should be preserved as it is and leased; and that the heirs of age, who have received in advance a part of their inheritance, shall give an account of it, until there is a settlement by partition. (Signed) : Lesassier.

Mr. Fuselier advises that the whole property be leased until it is partitioned, when those who have received in advance a part of their inheritance shall receive proportionately less. (Signed) : Fuselier De la Claire.

(Translator's Note: The Fuselier whose opinion is given above has not been previously mentioned in the document, which is incomplete.—G. L.)

December 20.

No. 8307. 2 pp.

Contract between
Jacques Dalpeiche
and Pierre Marquis,
whereby the former
is to erect a sawmill
on plantation of the
latter.

Before the Royal Notary of the Province of Louisiana, residing in New Orleans, in the presence of the witnesses hereinbelow named and undersigned, appeared, on one side, Sieur Jacques Dalpeiche; and, on the other side, Mr. Pierre Marquis, Lieutenant of the Swiss Company of the De Hallwill Regiment, garrisoned in this city; who have agreed upon the following contract:

Sieur Dalpeiche promised and obligated himself to go to the plantation of Sieur Le Marquis, situated about four leagues below this city and on the same side of the River, adjoining the property of Madame Bachemin on the upper side, and the property of widow Leonard on the lower side; and to erect there a saw-mill furnished with two saws, the whole of it to be well constructed, perfect and sound; to be started on January 1, 1763, and to be completed by the month of March, 1764, the whole at his own expense.

Sieur Marquis will pay to Sr. Dalpeiche the price agreed upon, of 12,500 livres, in colonial currency, before the end of March, 1763; and the sum of 3500 livres in letters of exchange, to be paid after the completion of the work. Sr. Marquis will also furnish him with six negroes and three negresses, to be fed at Sr. Dalpeiche's expense, and three yoke of oxen to be used for carting the lumber. If, during the time specified, from January 1, 1763, to March 31, 1764, Sr. Dalpeiche should have the opportunity of doing other jobs, in the city or elsewhere, for the King or for private individuals, two-thirds of the profits derived therefrom shall go to Sr. Marquis and one-third to Sr. Dalpeiche.

Executed in the Notarial Office of this city, on December 20, 1762. Witnesses: Marin Bary and Antoine Foucher.

(Signed): P. Marquis; Dalpajie; Bary; Foucher; Broutin, Notary.

(Signed, in margin of first page): Devergés; De Reggio; Ducros.

December 28.

No. 8309. 8 pp.

Succession of
Francois Jourdain:
Procureur General
informs Foucault of
Jourdain's death and
advises the taking of
an inventory of his
property.

Sieur Charles Marie Delalande, Councillor of the Superior Council, acting Procureur General of the King, reports to Mr. Foucault, acting First Judge of the Superior Council, the death of one Jourdain by name, who is survived by his widow and by no children, and suggests that an inventory be taken for the protection of the absent heirs, if there should be any, and for the purpose of ascertaining the community

property between the deceased and his wife, the whole to be effected in the presence of such Commissioner as it will please Sr. Foucault to appoint. New Orleans, December 28, 1762.
(Signed): Delalande.

Foucault orders
seals affixed on the
effects of deceased
Jourdain.

December 28, 1762.—Let Seals be affixed on the effects left by the late Jourdain, so that they might be inventoried as requested, under the supervision of Mr. Lessassier, Councillor of the Superior Council, appointed Commissioner to this effect, and in the presence of the Procureur General

of the King. New Orleans, December 28, 1762. (Signed) : Foucault.

Report on the
affixing of the
seals.

December 28, 1762.—On December 28, 1762, at three o'clock in the afternoon, on petition of Mr. Charles Marie Delalande, acting Procureur General of the King, and

by virtue of the order given at the bottom of said petition under this date, Mr. Charles Lesassier, Assessor of the Superior Council, Commissioner appointed in this case, accompanied by the said Procureur General of the King, the Clerk and the Sheriff of the Council, went to the residence of the late Sieur Francois Jourdain, on Bourbon Street, for the purpose of placing seals on the effects, that will be found in evidence, belonging to his succession. And in the first room, upon entering the house, they saw the dead body of the deceased lying on his bed, and met Dame Francoise Le Roy called Ferrant, who assisted him during his last illness, and who stated, under oath, that nothing had been removed nor secreted. Then they proceeded to affix the seals on what was in evidence, as follows:

First, said Dame, the deceased's wife, affirmed that all the furniture to be found in the two rooms of the house belonged to widow Ferrant, her mother;

Item: the seals were placed on the two ends of a strip of paper passing over the lock of the two doors of a walnut armoire;

And this is all that was found in evidence and subject to seals, in this city, belonging to the succession of Francois Jourdain.

The seals affixed, as explained above, were left in the possession and keeping of the deceased's wife, the said Dame Francoise Le Roy called Ferrant, who voluntarily took charge of them and promised to produce them whenever requested to do so.

(Signed) : Lenormand; Delalande; Lesassier; Fr'cois Jourdain; Broutin, Clerk.

Attorney for Vacant
Estates asks permit
to raise the seals
and take an inven-
tory of the effects.

December 28, 1762.—Petition to Mr. Foucault, Commissioner of the Marine, acting Intendant in Louisiana and First Judge: Joseph Ducros, Attorney for Vacant Estates in this colony, has the honor to repre-

sent that he has heard of the death of one Jourdain, who died intestate and left no heirs in the colony, who could be present at the raising of the seals to ascertain what property was left by the deceased; wherefore the petitioner, who represents them, prays that he be permitted to cause the seals to be raised and to have an inventory taken of the movable and immovable property of the said succession, so that he may be able to ascertain the share that might come to the heirs, without prejudice to the matrimonial claims of said Jourdain's widow.

New Orleans, December 28, 1762. (Signed) : Ducros.

Permit granted.

December 30, 1762.—Permit to Sieur Ducros, in his capacity of Attorney for Vacant Estates, to cause the seals, which have been placed on said late Jourdain's property, to be raised and to have an inventory taken, on conditions asserted in the present petition. New Orleans, December 30, 1762. (Signed) : Foucault.

Widow Jourdain
petitions for
raising of seals
and taking of
inventory.

December 30, 1762.—Petition to Monsieur Foucault, acting Commissioner of the Marine, acting Intendant, and acting First Judge of the Superior Council of the Province of Louisiana: Humbly prays Francoise

Le Roy, widow of the late Francois Jourdain, representing that on the 28th of the present month, on petition of the Procureur General of the King, seals were affixed on the effects of the succession and of the community between herself and her late husband; and, as there might be found under seals some effects and goods subject to decay or loss, the petitioner requests that permit be granted for the identification and raising of seals, so that an inventory can be made of all that is under seal, the whole to be carried out under the supervision of Mr. Lesassier, Commissioner in the case, and in the presence of the Procureur General of the King and of the interested parties. New Orleans, December 30, 1762.

(Signed) : Francoise Leroy.

Order to raise
the seals.

December 30, 1762.—Considering the above petition and the reasons presented therein, order is given for the immediate identification and raising of seals, to be carried out by the Commissioner in the case, and in the presence of the Procureur General of the King and of the interested parties, duly summoned.

(Signed) : Foucault.

Identification and
raising of seals;
inventory, descrip-
tion and appraisal.

December 31, 1762.—On December 31, 1762, at nine o'clock in the morning, on petition of Dame Francoise Le Roy, widow of Francois Jourdain, and by virtue of the order, dated yesterday, of Mr. Foucault, acting First Judge of the Superior Council, and in the presence of Sieur Joseph Ducros, Attorney for Vacant Estates, Mr. Charles Lesassier, Councillor Assessor of said Council, Commissioner appointed in the case, accompanied by Mr. Delalande, acting Procureur General of the King, by the Royal Notary and by the undersigned witnesses, went to the residence of the late Francois Jourdain for the purpose of identifying and raising the seals placed on the effects of the succession, according to the procès-verbal of the 28th of the present month, and to proceed to the inventory, description and appraisement, by Marin Lenormand, Sheriff, of the property of said succession; and proceeded as follows:

First: in a room, next to the entrance hall, were found one cypress bedstead, two moss-mattresses, one featherbed, one bolster, one pillow, one pair of sheets, one woolen blanket, one calico valance: the whole belonging to widow Jourdain:—For Memorandum.—

And this is all that was found to be inventoried, widow Jourdain having declared that all the remaining furniture in the house belonged to her mother, widow Ferrant.

Then the seals, found sound and intact, were removed from both ends of a strip of paper passing over the lock and the two doors of a walnut armoire, in which were discovered:

First: ten night-shirts, for men, much worn, appraised at 200 livres: 200 — —

Item: twelve plain linen shirts, for men, partly used, appraised at 250 livres: 250 — —

Item: thirteen trimmed shirts, for men, in good condition, valued at 1500 livres: 1500 — —

Item: seven collars, in bad condition, appraised at seven livres: 7 — —

Item: one pair of silver buckles, and one pair of silver garter-hooks, valued at 50 livres: 50 — —

Item: one pair of shoes in bad condition, and a hat, appraised at 20 livres: 20 — —

Item: one serge dress-coat, one drugget waist-coat, two pairs of cotton breeches, one pair of dimity breeches, and three pairs of large polonaise breeches: the whole appraised at 300 livres: 300 — —

Item: two pairs of large linen breeches, and one chalet waistcoat, appraised at 30 livres: 30 — —

Item: one walnut armoire: Widow Jourdain declared that it was given her by her father: For Memorandum.

Item: a negress named Therese, about thirty years old, bought from Philosa, according to sale made by act under private signature, on November 8, 1750: appraised at the same value stated in the said act of sale—marked "A"—: 1600 livres: 1600 — —

Item: the sum of 105 livres, 6 sols, and 3 deniers in colonial currency, turned over to widow Jourdain: 105- 6- 3

Documents, deed, papers:

Item: a certified copy of the Marriage Contract between the deceased and said widow Jourdain, passed before Sieur Henry, Notary, on May 12, 1747; marked "B"—For Memorandum.

Item: a certified copy of an act of sale, concerning a lot of ground situated at the corner of St. Peter and Bourbon streets,

with two buildings thereon, passed before Sr. Chantalou, Clerk, on November 20, 1758; marked "C"—For Memorandum.

Item: a certified copy of a deed, relative to the above sale, passed before Sr. Henry, Notary, on April 18, 1740; marked "D"—For Memorandum.

Item: a certified copy of an act of obligation contracted by Sr. Antoine Danede, and passed before Sr. Chantalou, Notary, on May 1, 1753; marked "F"—For Memorandum.

Item: a certified copy of an act of judicial sale, concerning three-fourths of a lot of ground, formerly belonging to Sr. Daniel Raflaud, passed before the Court, on July 7, 1758; Marked "G"—For Memorandum.

Debts:

Widow Jourdain declared there was due to Sieur Dumas the sum of 400 livres, which he loaned to the late Sr. Jourdain, in colonial specie;

Item: widow Jourdain declared there was due to Sr. Lloy the sum of 150 livres, which he loaned to the late Sr. Jourdain, in colonial specie;

Item: widow Jourdain declared that all the cattle on the plantation, near the Bayou, belonged to her mother.

And since nothing else belonging to the said succession was found to be inventoried, according to the statement of said widow Jourdain, who affirmed, under oath, that she did not remove anything belonging to the succession, all the effects, titles and documents hereinabove inventoried were delivered to her.

Executed in New Orleans, on the aforesaid day, month and year, in the presence of Sieurs Pierre Dumas and Michel Frilous called St. Eloy, competent witnesses.

(Signed): Michel Frilous; Dumas; Francoise Leroy widow Jourdain; Lenormand; Ducros; Delalande; Lesassier; Broutin, Notary.

The document is partly destroyed at top and bottom.

December 29.

No. 8310. 5 pp.

Family Meeting to deliberate upon the policy to be pursued in reference to the property of the succession of Joseph Carriere.

On December 29, 1762, before Mr. Jacques De la Chaise, Councillor Assessor of the Superior Council, acting Commissioner in this case, in lieu of Mr. Huchet de Kernion, Commissioner appointed and absent, in the presence of Mr. Charles Marie Delalande Dapremont, Councillor of said Council, acting Procureur General of the King, personally appeared Sieur Louis Boré, Officer of the Militia, in the name and as tutor of the minor children of the late Joseph Carriere, having been appointed tutor on the advice of relatives and friends, duly homologated on May 21st last; who represented:

That by virtue of the order of the Superior Council, of the 4th instant, he convened a family meeting of relatives and friends of the minor children of the late Sr. Carriere, to determine what to do with the property of the succession; that accordingly were convened Mr. Trudeau, Captain of the colonial troops, cousin by marriage, of said minors; Mr. Chaperon, cousin; Mr. Fuselier de la Claire; Milhet, Officer of the Militia; and Mr. De Caüe, friends: all residents of this city, who, having promised, under oath, to sincerely express their opinion on the subject matter of the above petition, stated:

Individual opinions of those present at the family meeting.

Mr. Trudeau suggested that all the landed property of the succession be leased, that the minors be emancipated, and that an account be kept of what the brothers of age of said minors had received in advance, as part of the share coming to them from the succession. (Signed) : Trudeau.

Sr. Chaperon shared Mr. Trudeau's opinion, and declared that he was unable to write or sign.

Sr. Fuselier advised the leasing of the plantation, until settlement between the heirs could be made; and that those who received part of their inheritance in advance, shall receive less, in proportion, when a partition will be made. (Signed) : Fuselier De la Claire.

Mr. Milhet's opinion was that the plantation together with all its appurtenances, negroes, negresses, etc., as well as the house in the city, should be leased, until settlement. (Signed) : J. Milhet.

Sieur De Caüe proposed that all the landed property, negroes, negresses, and appurtenances be leased until the full age of the minors, and that an account be kept of what the heirs of age have received in advance of the share coming to them out of the inheritance, so that they will have less, when the partition will be made. (Signed) : Caüe.

Mr. Demacarty sent his suggestion in writing, explaining that, if it is not possible to give a negro to the heirs of age, all the estate be preserved in kind and judicially leased until the restoration of better economic conditions; and that the minors be emancipated. (Signed) : Macarty.

Sieur Lesassier also sent his opinion in writing, advising that all the property of the succession be preserved as it is, and leased; and that the heirs of age, who have received in advance a part of their share, must give an account of it, when a partition will be made: (Signed) : Lesassier.

Recommendations of family meeting submitted to Foucault.

December 29, 1762.—Whereupon, We, aforesaid and undersigned Councillor Commissioner and Procureur General of the King, remitted the present deliberations to Mr. Foucault to be homologated, or to be disposed of as he will see fit.

In Our Office in New Orleans, on December 29, 1762.

(Signed) : Delalande; Delachaise.

Recommendations
transmitted by
Foucault to the
Superior Council.

Council, so that it may issue order as it sees fit.

New Orleans. December 30, 1762. (Signed) : Foucault.

December 30.

No. 8311. 2 pp.

Testament of
Jean Gaillard,
private soldier.

December 30, 1762.—We Remit and submit, in compliance with the request of the interested parties, the present advice of relatives and friends to the Superior

went to the Hospital of the King, in this city, where we found said Gaillard bedridden, who, to the Notary and to the said witnesses, appeared to be ill in body but sound of mind and understanding; and he said that, for fear of being surprised by death, he desired to set in order his temporal affairs. And, having recommended his soul to Almighty God the Father, the Son and the Holy Ghost, to the Most Holy Virgin Mary, and to St. John, his good patron Saint, so that his soul, when separated from his body, may be admitted among the faithful Christians, as he always practiced the Catholic Apostolic and Roman religion, he expressed his last will as follows:

He wishes his burial to be as simple as possible;

Item: he declared and dictated, by word of mouth, that, immediately after his death, his universal legatee, hereinafter named, shall pay to the Poor of the Maison de Charité, the sum of 1000 livres;

Item: he declared and dictated, by word of mouth, that his universal legatee pay and disburse the sum of 1000 livres for his funeral expenses and for having prayers said for the repose of his soul;

Item: he declared and dictated, by word of mouth, that he named and constituted as his universal legatee of all his property, movable and immovable, of whatsoever kind, that he owns in this colony, Dame Francoise Le Roy Jourdain called Ferrant, wife of the late Francois Jourdain, his friend, to whom he feels under great obligation for the maintenance he received and for all the care and kindness bestowed on him for the past six years during which he has been ill; therefore, it is his intention and will that all he may possess in this colony be given to his friend's widow, upon condition that she pays and acquires all his lawful debts, as well as the pious legacy hereinabove mentioned.

And this is all that he stated to be his last will.

Executed at the Hospital of the King, on the said day, month and year, in the presence of Sieurs Pierre Dumas and Michel Friloux called St. Eloy, competent witnesses, who signed after the reading of the whole act; and the said Gaillard declared that he could neither write nor sign.

(Signed) : Dumas; Michel Friloux; Broutin, Notary.

(Signed, in margin of first page) : Devergés; De Reggio; Ducros.

December 30.

No. 8312. 2 pp.

Release granted by
Antoine Barbaux
called Boisdoré to
his brother, Louis
Barbaux called Bois-
doré, certain sums
coming to him and
to his brother from
the succession of
their uncle.

Before the Royal Notary of the Province of Louisiana, residing in New Orleans, personally appeared Sieur Antoine Barbaux called Boisdoré, of age and in the full enjoyment of his rights, inhabitant of this city, who acknowledged and admitted having received this day, in colonial notes, from Sieur Louis Barbaux called Boisdoré, his brother, surgeon in this city, who appeared also, the sum of 13,533 livres, 6 sols, and 8 deniers, representing the share and portion coming to him from the succession

of the late Sieur Francois Noyon, their uncle, as well as the share and portion coming from the said succession to Sieur Joseph Barbaux called Boisdoré, their elder brother, who, by act under private signature hereto annexed, made a donation of his share to the said Antoine Boisdoré, the succession consisting of the total amount of 20,300 livres, so that each one of the three heirs was entitled to the sum of 6766 livres, 13 sols, and 4 deniers. For the said sum of 13,533 livres, 6 sols, and 8 deniers, Sieur Antoine Barbaux called Boisdoré acquitted and discharged Sieur Louis Beabaux called Boisdoré, and promised and obligated himself to have him also discharged towards and by whomsoever else it may concern. The two parties agreed that since nearer relations might come forward to claim the succession, Sr. Antoine Boisdoré, in security of the sum above specified, shall grant a mortgage on all his movable and immovable, present and future property, electing, to that effect, his domicile in this city, at his residence, where he consented that all acts necessary and required for the execution of these presents be passed and served.

Done in the Notarial Office of this city, on December 30, 1762, in the presence of Sieurs Antoine Foucher and Marin Bary, competent witnesses.

(Signed) : A. Boisdoré; Bary; Foucher; Broutin, Notary.

(Translator's Note: The other party, Louis Barbaux called Boisdoré, did not sign. His signature, however, is not essential to the validity of the act. The act under private signature, referred to in the document as being annexed, is missing.—G.L.)

(Signed, in margin of first page) : Devergés; De Reggio; Ducros.

(To be Continued.)

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INDEX TO THE SPANISH JUDICIAL RECORDS OF LOUISIANA LXIX.

July, 1784.

(Continued from January, 1941, Quarterly)

By LAURA L. PORTEOUS

(With Marginal Notes by Walter Prichard)

Spanish officials appearing in this installment:

Esteban Miró, Colonel of the Royal Army and Governor, ad interim, of this Province.

Juan Doroteo del Postigo y Balderrama, Assessor General and Auditor of War, and Attorney for the Royal Councils.

Francisco Maria de Reggio, Senior Alcalde Ordinario.

Juan Esteban (Jean Etienne) Boré, Junior Alcalde Ordinario.

Rafael Perdomo, Escrivano, Notary Public and Clerk of the Court for War, the Royal Treasury and the Army.

Fernando Rodriguez, Notary for the Government, Cabildo and Public of this city.

Nicolas Fromentin, Deputy Sheriff.

Luis Lioteau, Official Taxer of Costs of Court.

July 14, 1784.

Proceedings brought by Juan Line to prove that he is a resident and merchant of this city.

No. 33. 8 pp.

Court of Alcalde Francisco Maria de Reggio.

No Assessor.

Escrivano, Rafael Perdomo.

Juan Line sets forth in a petition that it is convenient to him to prove himself a resident and merchant of this city, so as to obtain the favors His Majesty has deigned to concede to such persons in this Province. Therefore he prays the Court to receive the testimony of the witnesses he will present, who will declare, under oath, to the truth of this claim. Alcalde de Reggio rules: Let the testimony this party offers be received, the taking of the depositions to be entrusted to the Escrivano, and done deliver them to the petitioner.

The witnesses, Antonio Cavalier, Pablo Segond, Francisco Mayronne, Juan Reynaud and

This case illustrates the legal procedure in establishing the proof that a merchant of New Orleans is a resident of that city, in order that said merchant may enjoy the special commercial privileges which the Spanish government accorded only to legal residents of its colonies.

resident of this city and been engaged in commercial enterprise here.

In a second petition Juan Line avers that the records of the case have been delivered to him, together with the depositions of his witnesses, therefore he prays the Court to declare his claim as legitimate and valid in all its parts and to order the present Escribano to provide him with a certified copy of this entire proceeding, executed in public form and in a manner that will have credit, and he will promptly pay all just and due fees. Alcalde de Reggio decrees: Considering what has been represented by Juan Line and also the testimony he has submitted by which he has fully proven himself to be a resident of this city, His Honor says that from now he declares and does declare him as such and in consequence whereof entitled to enjoy the favors and privileges of citizenship as declared by His Majesty, and for greater validation and force he interposes and does interpose his authority and judicial decree inasmuch as it has place in law.

In a third petition Juan Line states that although he has requested the present Escribano to give him a certified copy of these entire proceedings, he has not done so up to now, therefore he prays that he be ordered to do so without delay and that a taxation of the costs of the case be made, and done he will promptly pay all just and due fees. Alcalde de Reggio decrees: Give this party the certified copy he requests, upon the payment of all just and due fees, and let a taxation of costs be made by the present Escribano.

On July 17, 1784, costs are taxed at 15 pesos 3 reales by Rafael Perdomo.

July 17.

Executory Process. Feliberto Farge vs. Fernando Rodriguez.

No. 105. 6 pp.

Court of Alcalde Esteban Boré.

No Assessor.

Escribano, Rafael Perdomo. was entrusted to his keeping. This

Juan Bautista Labatut, each in a separate deposition, states that he has known Juan Line for many years and has transacted business with him. He has always been a

The first entry is a memorandum specifying that the promissory note filed on page 1 has been removed and delivered to the party who signed it. To which the Escribano attests. (Signed) Philibert Farge; Perdomo.

The plaintiff states that it is evident from the note duly presented that the defendant owes him 206 pesos which were deposited with him a long while before. He has reminded him several times to return this money which

To collect a debt.

This case illustrates the legal procedure in collecting a debt, when the debtor is slow in making payment. The case was apparently settled out of Court.

he has failed to do. Therefore he prays the Court to order his opponent, under oath and without delay, to declare whether he owes the said amount, and done, if the result conforms to what the petitioner has stated, notify Mr. Rodriguez to pay the debt at once, with a warning that if he fails to do so his property will be seized to the full extent of the debt. Alcalde Boré rules: The note having been presented, let the defendant swear and declare to its contents, as requested. Entrust the taking of this deposition to the Escribano, and done deliver it to the Court.

On July 22, 1784, pursuant to the foregoing decree, the Escribano went to Fernando Rodriguez' house to receive his declaration, and having taken oath by God and the Cross, under charge of which he promised to speak the truth, and upon having been shown the note presented on page 1, he said the signature is his and that he owes the money specified therein.

In a second petition the plaintiff sets forth that it is evident from the defendant's declaration that he owes the debt, since he has acknowledged it and verified his signature. Therefore he has the right to take executory proceedings against him. He prays for a writ of execution against any and all of his property to the full extent of the 206 pesos, the one-tenth and costs. Alcalde Boré receives this petition and on July 24, 1784, decrees; Whereas, issue a writ of execution in favor of Feliberto Farge, against any and all of Fernando Rodriguez' property for the sum of 206 pesos, its one-tenth and costs.

A marginal note specifies that the writ which was ordered has been issued and delivered to the party.

The Writ.

Let the Sheriff, or in his place the Deputy Sheriff, request Fernando Rodriguez to pay Feliberto Farge the sum of 206 pesos, and if he does not pay this sum, its one-tenth and costs, take execution against any of his property, and when formal seizure has been made place this said property in the General Receiver's charge. For thus it has been decreed this day, in New Orleans, July 24, 1784. (Signed) Jean Etienne Boré.

The Sheriff's Report.

In the city of New Orleans on the said day, month and year (July 24, 1784), before the Escribano and witnesses, appeared: Nicolas Fromentin, Deputy Sheriff, and he said that with the writ on the reverse side of this paper he requested Fernando Rodriguez to pay Feliberto Farge the sum of money mentioned therein, and he answered that he had come to an agreement with the plaintiff. In testimony whereof he sets this down as a matter of record, and he signed, the witnesses being Francisco Carcasses and Manuel Monroy.

Judging from the fact that the original note was returned to the maker, the case must have been settled out of Court.

July 28.

Proceedings brought by Esteban Boré to prove that husbands have the right to name their wives tutrices.

No. 67. 5 pp.

Court of Governor Esteban Miro.

No Assessor.

Escribano, Rafael Perdomo.

This case illustrates the manner in which a disputed point of Spanish law was settled in Louisiana, without referring the dispute back to the governmental authorities in Spain.

Esteban Boré, Junior Alcalde of this city and its jurisdiction for His Majesty, petitions to say that it is convenient to him to have Licenciado Juan Doroteo del Postigo, Auditor of War and Assessor General of this Province, as the only Professor of Law here, as well as the Escribanos Numerarios, certify to the following particulars:

Firstly, for the Auditor to certify whether it is according to usage and law, in this Kingdom, for the father of a family, by a clause of his will, to appoint his wife tutrix to his minor children, and also if this is so whether the family meeting is customary and the decisions made by it are binding.

Secondly, for the Escribanos Numerarios to certify whether the matter treated above is of long established practice here, and done, if the result conforms to the questions he has propounded, he prays the Court to interpose its authority and judicial decree and to order the Officials mentioned to give the certifications he has requested, and he will promptly pay all just and due fees. Governor Miro rules: As it is prayed, and let these certifications be delivered to the petitioner.

Licenciado Juan del Postigo y Balderrama, Attorney for the Royal Councils, Assessor General and Auditor of War for this Province, declares that considering the representation made by Juan Esteban Boré, Junior Alcalde of this city and its jurisdiction for His Majesty, he must certify that the Laws of Spain permit the father of a family, by a clause of his will, to appoint his wife tutrix and curatrix to his minor children, and by this same disposition the wife, so named, is relieved of giving bond, without any other formality being necessary. Laws 4 and 9, Title 16, Part 6 of Las Partidas. Thus it is observed in all the Courts of the Spanish Dominions, in accordance with these laws, and pursuant to Governor Miro's decree he sets this down in New Orleans, July 29, 1784. (Signed) Juan del Postigo.

In fulfillment of the foregoing decree, Fernando Rodriguez certifies that it is a legal custom, in this Province, for fathers of families, in their wills, to name their wives tutrices and cura-

trices to their minor children, with exemption from bond. New Orleans, July 29, 1784. (Signed) Fernando Rodriguez, Notary Public and Clerk of the Cabildo and Government.

Rafael Perdomo, Notary Public and Clerk of the Court for War, the Royal Treasury and the Army, certifies that it is in conformity to law and is an inalterable practice in all the Courts of the Dominions of Spain for husbands and wives, reciprocally, to name the survivor tutor and curator to their minor children, according to their ages. And pursuant to the foregoing decree he sets the present down in New Orleans, July 29, 1784.

Governor Miro passes judgment as follows: Considering the foregoing certifications, His Lordship says that from this time forth he approves and does approve them, and for their greater validation and force interposing his authority and judicial decree. Let a taxation of costs be made by Luis Lioteau, who must first be notified for his acceptance and oath. Give this party the certified copy he requests, upon the payment of all just and due fees.

On the said day, month and year (July 30, 1784), Luis Lioteau said he accepted and did accept, and swore by God and the Cross, according to law, to proceed well and faithfully with the duties of his office, and he signed, to which the Escribano attests.

On July 30, 1784, the costs of the case are taxed by Luis Lioteau at 10 pesos 7 reales.

[**Note:** See **Louisiana Historical Quarterly**, Vol. 8, No. 1, page 183. February 1, 1771, Thomas Poree, tutor, petitions for permission to lease a plantation belonging to his minors, the Cazelars. The family meeting has no place in Spanish Law.—L. L. P.]

(To be continued.)